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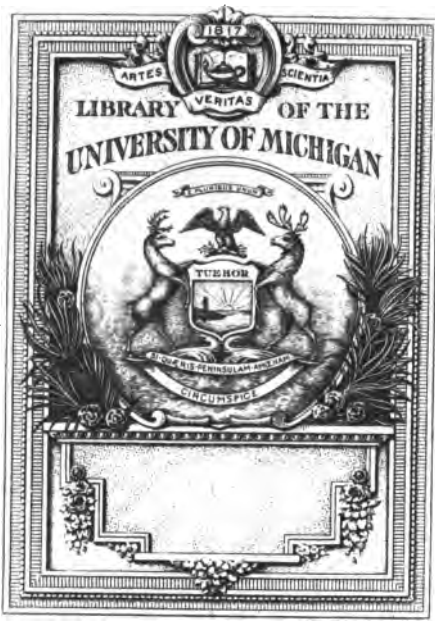
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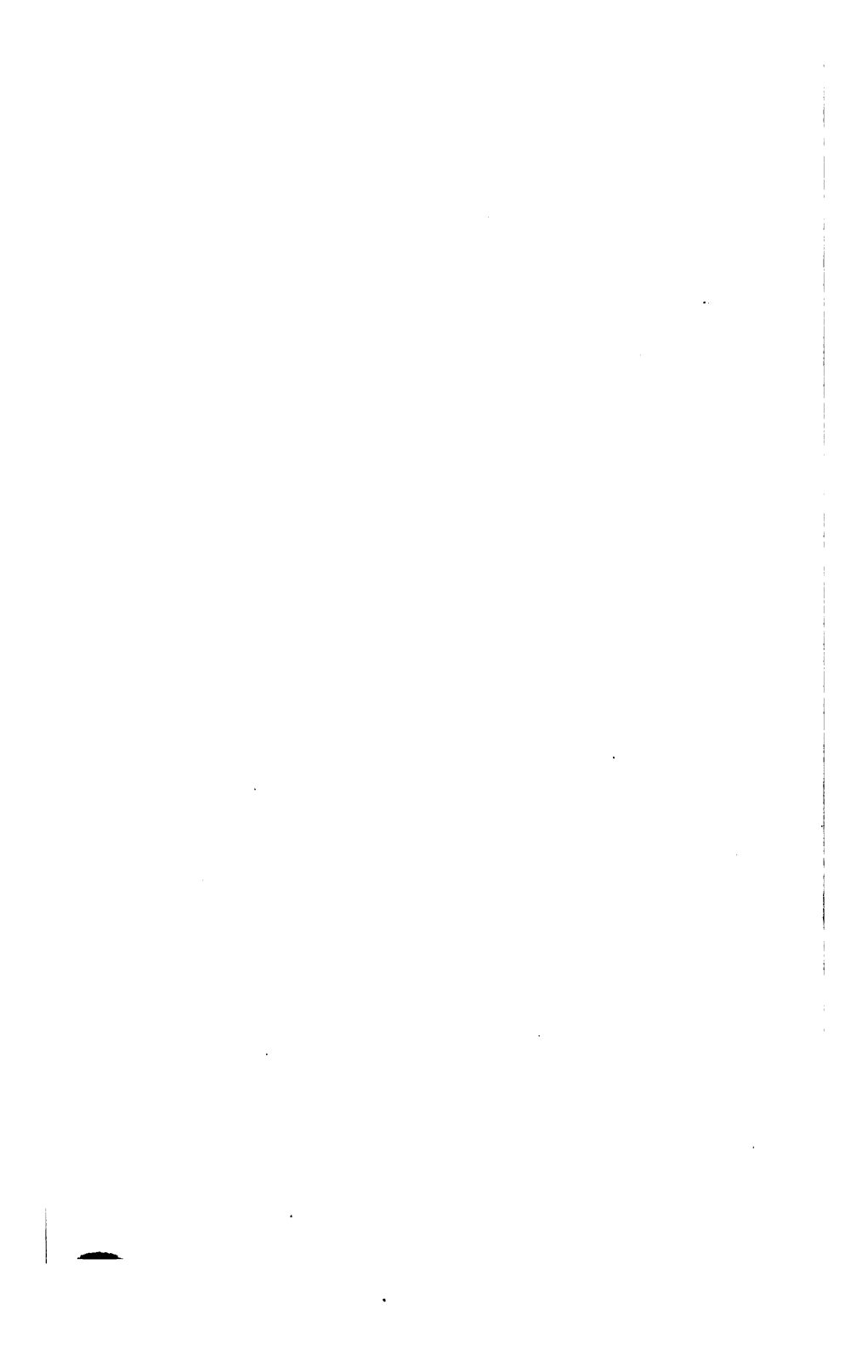
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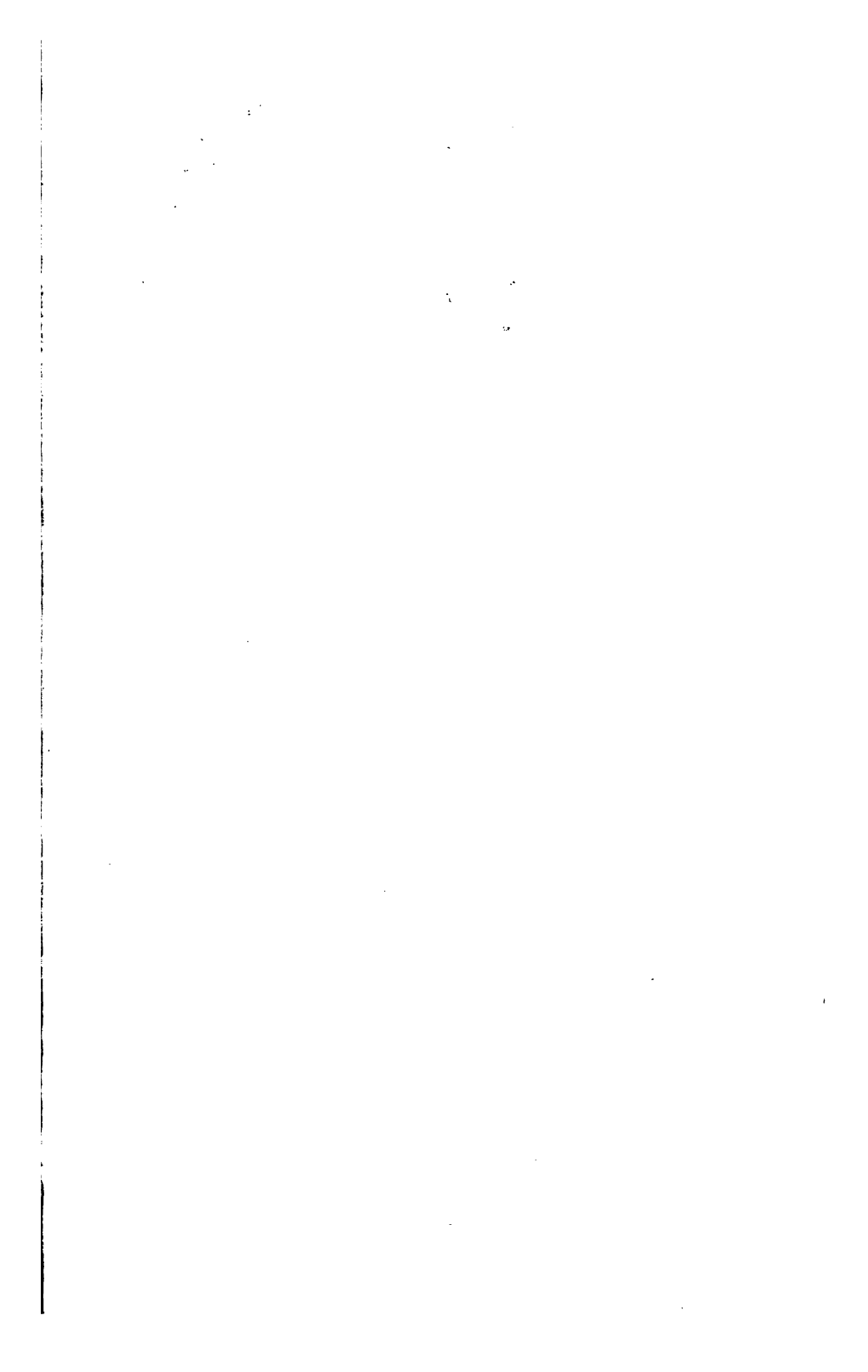
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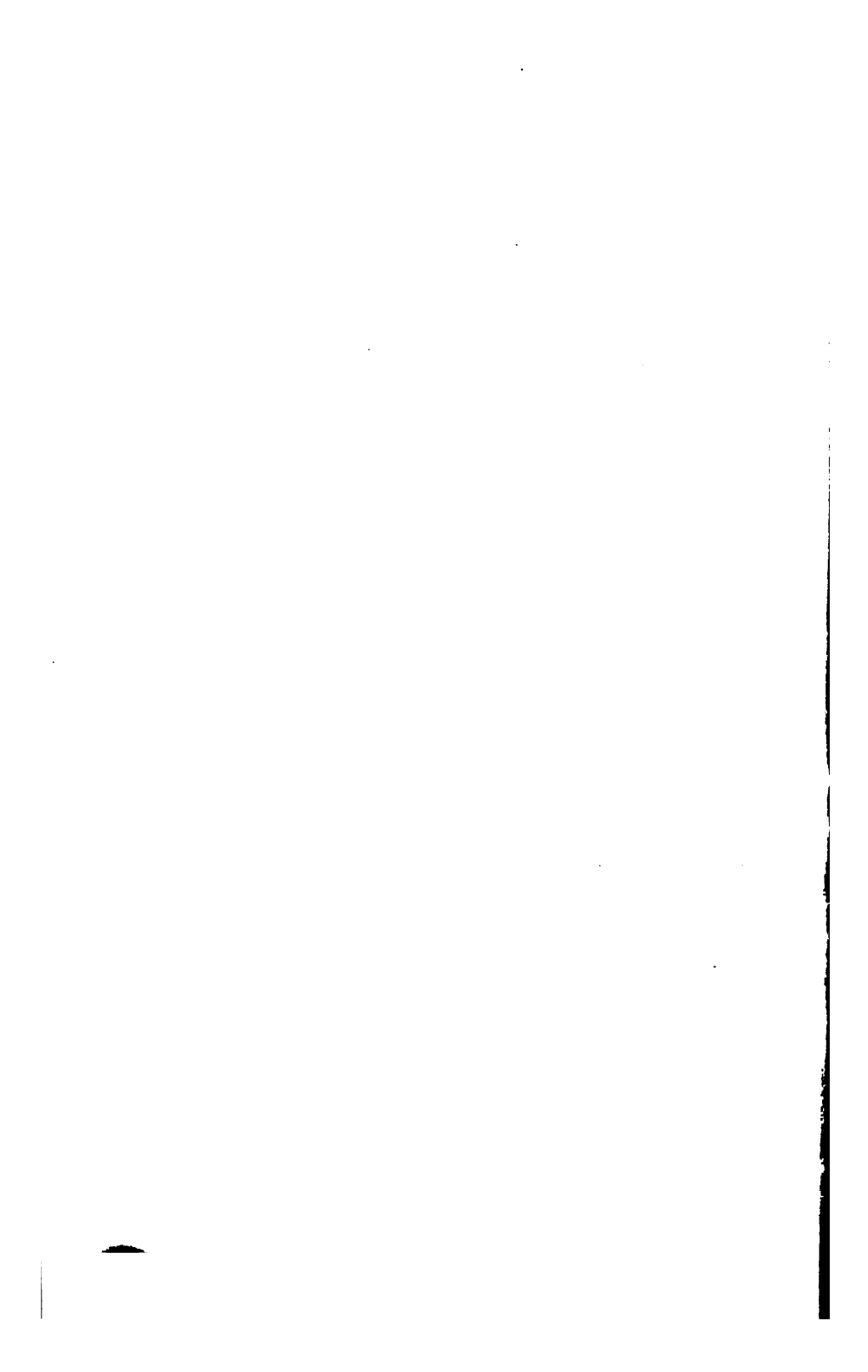


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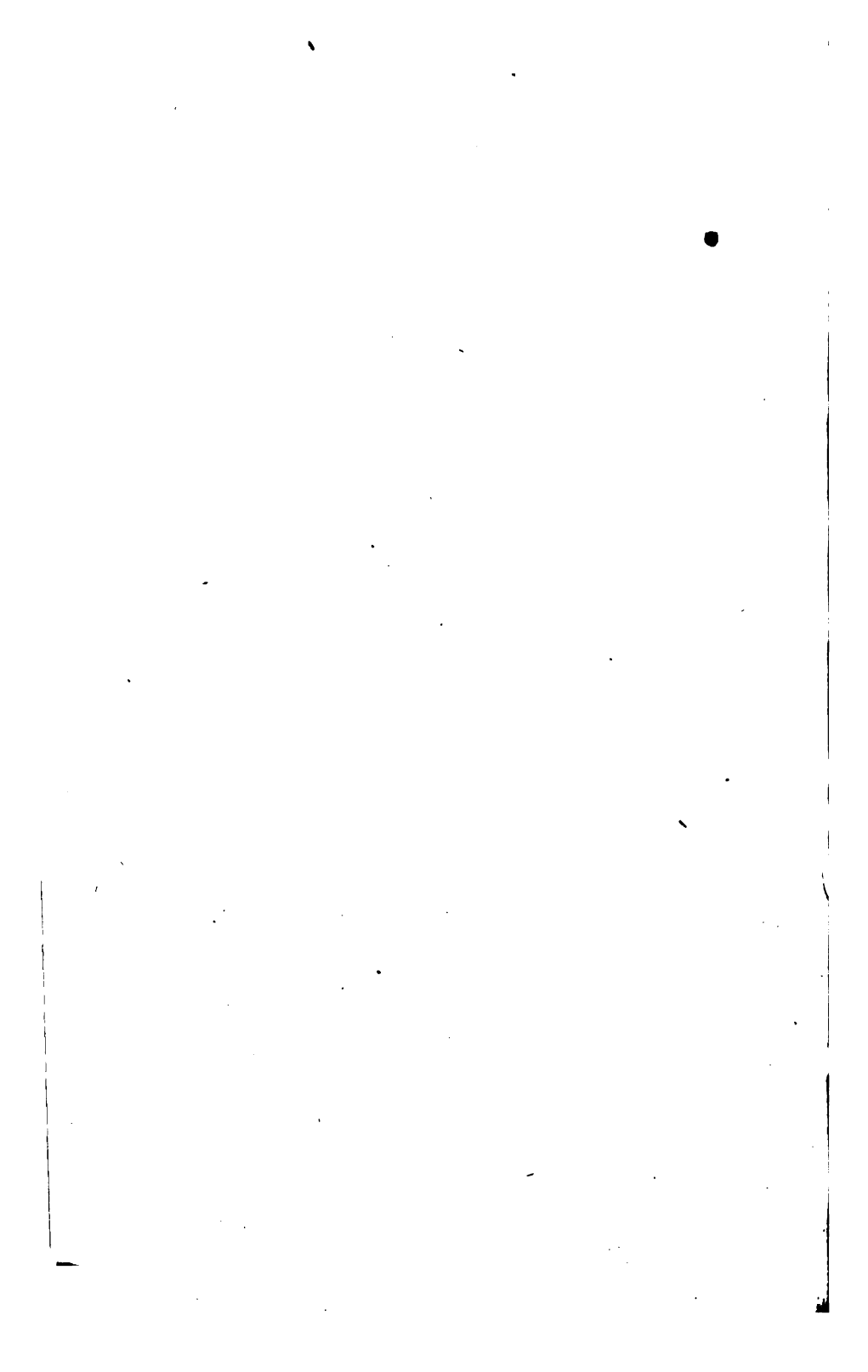
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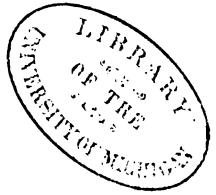








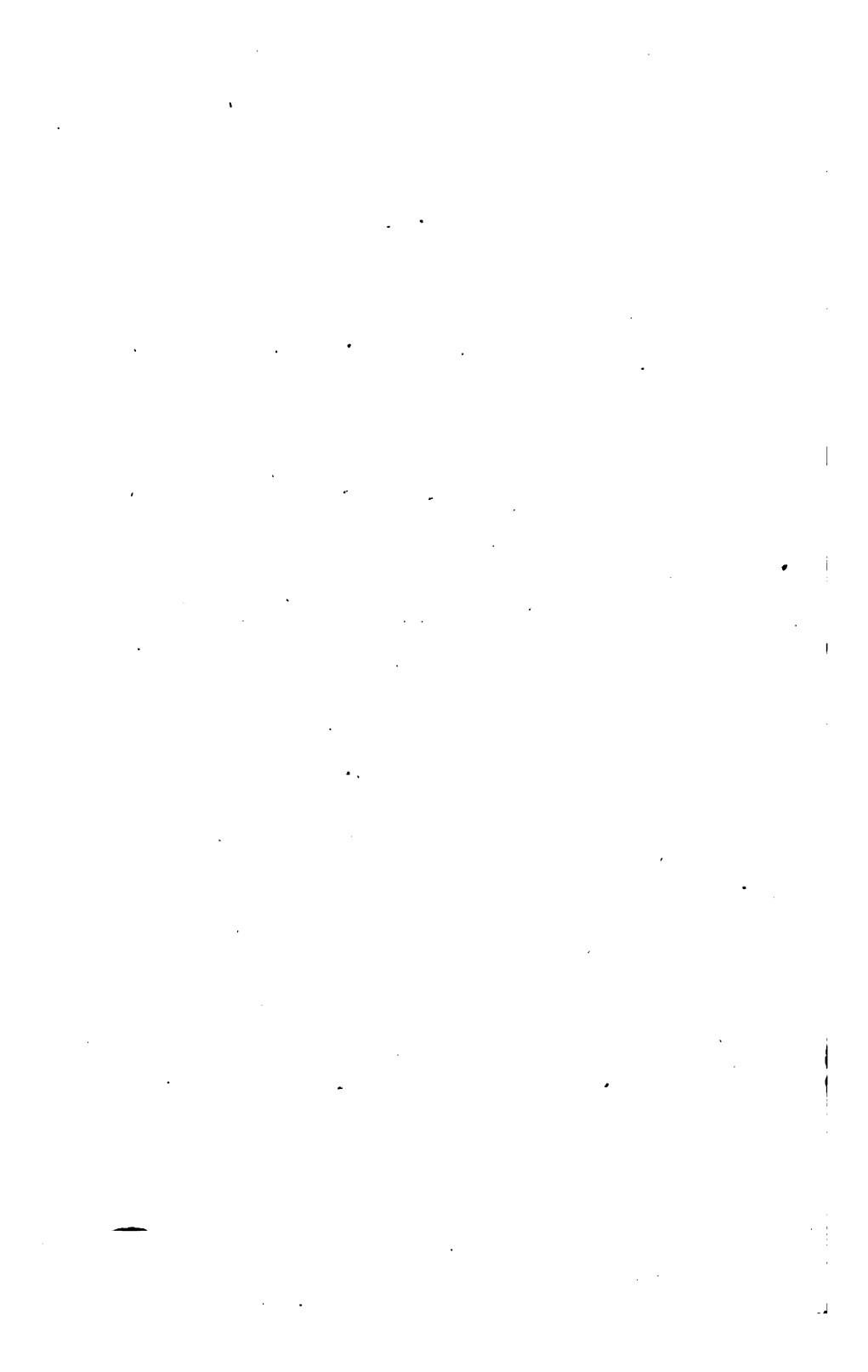
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**DOCUMENTS**  
ACCOMPANYING THE JOURNAL  
OF  
**THE SENATE**  
AND  
**HOUSE OF REPRESENTATIVES**  
OF THE  
**STATE OF MICHIGAN,**  
AT THE ANNUAL SESSION OF 1851.



LANSING:  
B. W. INGALS, STATE PRINTER.  
.....  
1851.



# CONTENTS.

## SENATE DOCUMENTS.

1. Report of Finance Committee of the Detroit Savings' Fund Institute.
2. Communication from the Attorney General, relative to oaths of office of Senators.
3. Communication from the Attorney General, relative to amendments of acts of incorporation.
4. Memorial of the Executive Committee of the Michigan State Agricultural Society, asking for an additional appropriation of \$600 in aid of said society, to be distributed as premiums.
5. Report of the Minority of the Committee on Agriculture, to whom was referred sundry petitions asking an additional appropriation in aid of the Michigan State Agricultural Society.
6. Report of the Committee on Public Lands, relative to the sale of certain University land.
7. Petition of Mrs. C. Dennis and 144 other ladies, of Van Buren county, praying that the sale of intoxicating liquors, as a beverage, may be prohibited by law, and that the sale of the same for mechanical and medicinal purposes may be regulated by law.
8. Table showing the rate at which the Sinking Fund of \$20 000, provided for in section 2, article 16, of the revised constitution, with an increase of five per cent. each year on the amount raised the preceding year, will liquidate the State debt, and the amount of interest payable each year, estimating the redeemable portion of said debt at \$2,000,000.
9. Special message from the Governor, transmitting communication from the Superintendent of Lights on the North Western Lakes.
10. Communication from the State Treasurer, relative to the Farmers' and Mechanics' Bank of Michigan.
11. Communication from the State Treasurer, relative to amount of tax paid by the Banks of this State, &c., &c.
12. Report of the committee on expiring laws, respecting the license laws.

13. Communication from the Secretary of State, relative to the expenses of the Constitutional Convention.
14. Report of the committee on finance, on a bill to provide for auditing and paying the expenses of the Constitutional Convention.
15. Report of the committee on printing, relative to printing constitution and laws in the German language.
16. Report of the committee on amendments to the constitution.
17. Petition of R. W. Smith and 23 others, relative to New Buffalo and the Central Rail Road.

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### HOUSE DOCUMENTS.

- 1. Report of the Committee of Ways and Means, relative to the compensation of members and officers of the Legislature.
2. Resolutions adopted by the Board of Supervisors of the County of Kent, requesting that the Select Committee on the Grand Rapids Canal shall visit and personally examine said canal.
3. Memorial of O. S. Kingsbury and others, securities on the bond given by James Davis, contractor for the construction of Grand Rapids Canal, to the State, asking for certain legislation thereon.
- 4. Communication from the Attorney General, relative to the compensation of members and officers of the Legislature.
5. Report of the Committee on Agriculture and Manufactures.
- 6. Communication from the Auditor General, relative to the expenses of the State Government.
- 7. Communication from the Auditor General, relative to expenses of advertising and selling lands delinquent for taxes.
8. Report of the Committee on Militia, to whom was referred the Report of the Adjutant and Quarter-Master General, for the year 1850.
9. Minority Report of the Committee on Banks and Incorporations.
- 10. Report of Select Committee, relative to Grand Rapids Canal.
11. Report of the Minority of the Committee on Banks and Incorporations.
12. Memorial of the Committee of Directors of the Erie and Kalamazoo Railroad Company.
- 13. Report of the Committee on Public Lands, relative to swamp and overflowed lands granted to this State by the United States.
14. Communication from the Attorney General, relative to the constitutionality of a "bill establishing police regulations for the preservation of property on the lines of Railroads, and for other purposes."
15. Communication from the Secretary of State, giving the number of colored persons in the State.
16. Report of the Committee on Federal Relations, relative to the Fugitive Slave Law and Slavery in the Territories.
17. Lecture on the subject of Education.

[ No. 1. ]

REPORT of Finance Committee of the Detroit Savings' Fund In-  
stitute.

DETROIT SAVINGS FUND INSTITUTE, }  
Detroit, Jan. 1, 1851. }

*To the Hon. the Legislature of the State of Michigan:*

The undersigned respectfully report that this institution has on de-  
posit, seventeen thousand four hundred and sixty-five dollars and  
eighty-eight cents, which is invested as follows, viz:

In notes secured by individual endorsements,	\$9,311 67
do city and other stocks,	1,250 00
do bond and mortgage,	940 80
In judgments secured,	157 88
	<hr/>
	\$11,660 35
Cash and interest in bank,	5,805 53
	<hr/>
	\$17,465 88

All which is respectfully submitted.

E. FARNSWORTH,  
Z. PITCHER,  
SHUBAEL CONANT,  
*Finance Committee of Savings Inst.*









[ No. 2. ]

COMMUNICATION from the Attorney General, relative to oaths of office of Senators.

OFFICE OF THE ATTORNEY GENERAL, }  
*Lansing, February 13, 1851.* }

*To the Senate:*

I have received from the hands of the Secretary of the Senate, a resolution, requesting the Attorney General to report to the Senate, his opinion in writing, whether the Senators of that body, elected at the general election of eighteen hundred and forty-nine, ought not to be sworn to support the present constitution.

The inquiry is doubtless made, with reference to the requirements of the constitution, and existing laws. By the first section of the eighteenth article, members of the Legislature and all other officers except such as by law may be exempted, are required, before entering upon their duties, to take the oath of office. I find no other constitutional provision, having any direct bearing upon the subject. The Senators who were elected in eighteen hundred and forty-nine, took the oath as required by the laws then in force. Had there been no change in the organic law, the term for which they were elected, would not expire until January next.

Does, then, the adoption of the new constitution, affect the functions or tenure of the office of Senator, so as to render necessary, by any sort of implication, the administration of the official oath? The constitutional provision prescribing the oath can only be construed to relate to those officers, who shall enter upon the discharge of their duties, subsequent to its adoption. Official incumbents are nowhere required to renew their oath of office. Neither does the constitution vacate the office of Senator, or change its duties, or super-add new duties, except such as properly appertain to the business of legislation. On the contrary, the Legislature is recognized throughout as a body created by the laws in force prior to the adoption of the constitution; and by an express provision, its members are continued in office until eighteen hundred and fifty-three. The members

of the Senate who were elected in eighteen hundred and forty-nine, had entered upon their duties before the constitution took effect. Any construction which would require them to be re-sworn would be alike applicable to all other State, county, and township officers, whose official terms commenced prior to the second day of January last. It is evident no such proceeding could have been contemplated; for the constitution is silent upon the subject.

I am therefore of the opinion that the Senators referred to in the resolution, are not required to be sworn.

WILLIAM HALE,  
*Attorney General.*





[ No. 3. ]

COMMUNICATION from the Attorney General, relative to amend-  
ments of acts of incorporation.

OFFICE OF THE ATTORNEY GENERAL, }  
*Lansing, February 17, 1851.* }

*To the Honorable the Senate:*

I have the honor to acknowledge the receipt of the following reso-  
lution:

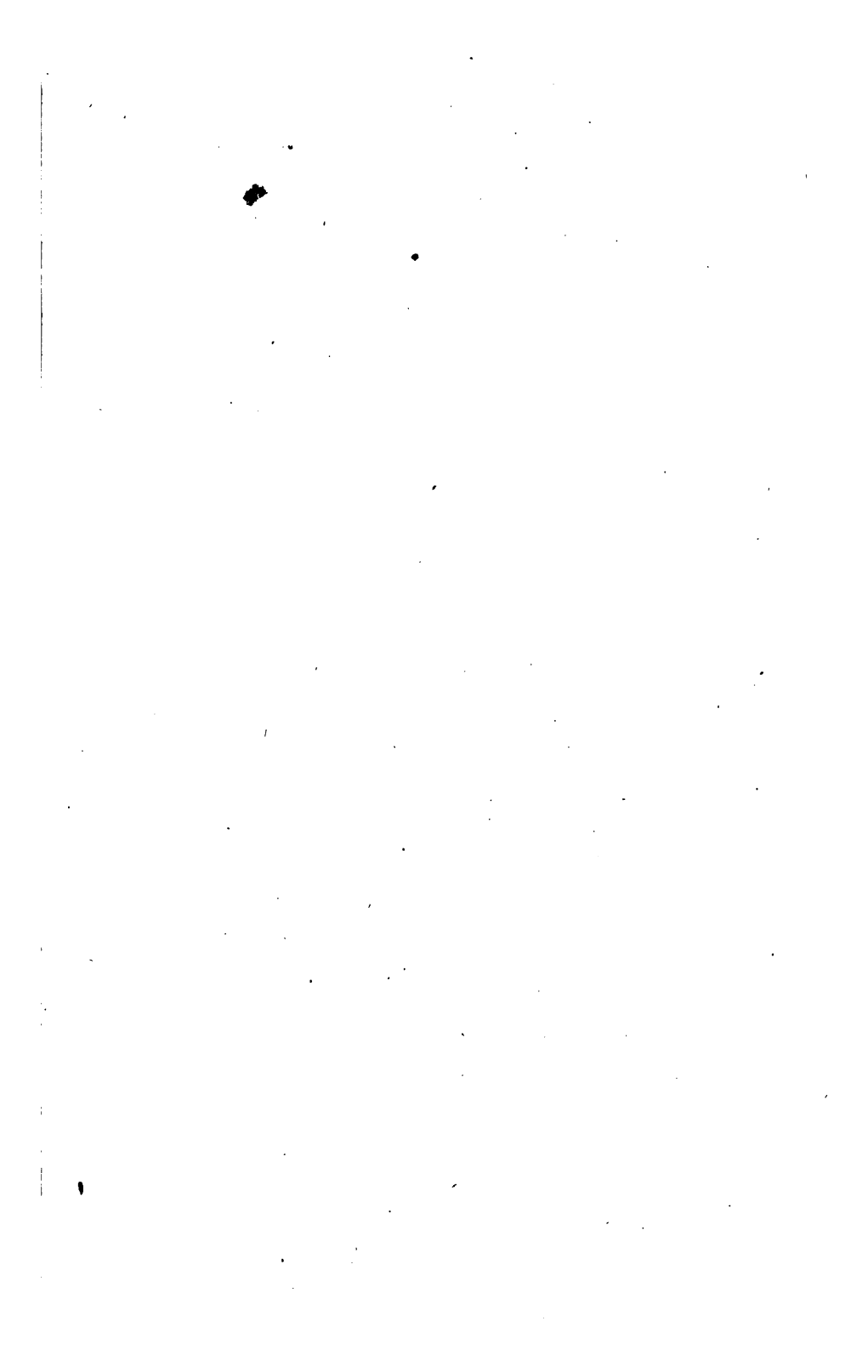
*“Resolved, That the Attorney General be requested to give his opin-  
ion, whether it is competent for the Legislature to amend acts of in-  
corporation, without notice first being given by said companies, as  
required in article fifteen, section sixteen, of the revised constitu-  
tion.”*

The constitutional provision is designed to secure the publication  
of a notice, as a necessary preliminary step, to give the Legislature  
jurisdiction. Notices of intended applications for acts of incorpora-  
tion, were, at one time, required by provisions of law, but they were  
seldom given. Applicants preferred to trust to the benignity of Le-  
gislatures to overlook the omission, rather than to incur the expense  
and trouble of complying with the requirements of law. In this way,  
the statute requiring a notice, without being formally repealed, had,  
by the practice of successive Legislatures, been disregarded, until  
it became a dead letter. Hence the necessity of the constitu-  
tional provision, which was adopted evidently in view of the insuffi-  
ciency of a mere statutory regulation. It provides, that previous  
notice of any application for an alteration of the charter of any cor-  
poration shall be given, in such manner as may be prescribed. The  
kind of notice, when and in what manner the same shall be given,  
are left to the direction of the Legislature. The provision, it will be  
observed, does not execute itself, nor can it become operative with-  
out appropriate legislative action. The mere giving of such notice

as might be deemed reasonable, would, in the absence of legislation, be a nullity. No notice can therefore be given, until the Legislature shall adopt the requisite enactments, to give effect to the constitutional provision. Until that is done, I cannot but regard it as entirely competent to amend acts of corporation without notice.

This construction of the provision will be much strengthened by a reference to the general policy and evident intention of the constitution itself. Its provisions are mainly sought to be carried into effect through the instrumentality of the Legislature. Such of the new provisions as tend to disturb existing rights, are generally postponed in their operation, to afford an opportunity to obviate, by legislation, the inconveniences resulting from the change. Thus, the existing statutes are continued in force, the powers and jurisdiction of the several courts are retained, and the most important organic changes are committed to the Legislature for consummation. I know of no reason for excluding this provision from the rule of construction, which is applicable to numerous other provisions of the constitution, of similar character. The inconveniences which would result from a different construction, would be not less serious. If the provision should be construed to contain a prohibition, no amendments could be made to the municipal, and other charters of corporation, whatever might be the urgency of the occasion, for a period of nearly two years. A reasonable notice is required; and such a notice could not be given, in time to ensure the action of the present Legislature. Consequences like these could not have been foreseen, or intended, by the framers of the constitution.

WILLIAM HALE,  
*Attorney General.*







[ No. 4. ]

**MEMORIAL** of the Executive Committee of the Michigan State Agricultural Society, asking for an additional appropriation of Six Hundred Dollars in aid of said Society, to be distributed as premiums.

*To the Hon. the Legislature of the State of Michigan:*

The undersigned, the Executive Committee of the Michigan State Agricultural Society, respectfully represent: that the efforts of the last two years have satisfied the undersigned that a great and growing interest is felt in improving the agriculture of the State; that our neighboring States are making rapid advances in improving this great and important branch of our domestic wealth and prosperity; and that it behooves us to make corresponding efforts, or we shall become a bye-word and reproach among our sister States.

But the society needs encouragement in its infant state. Premium must be awarded and paid, as well as time expended, to bring the agricultural and mechanical productions of the State together for exhibition. And although enterprising individuals will do much, yet the State should also lend a helping hand to carry out a project beneficial to the interest of every class of its citizens. The precedent has been set in other States, and the result has been so beneficial that it has become the most popular appropriation that is annually made; and the undersigned respectfully request that the sum of *six hundred dollars* annually for three years, in addition to the sum already appropriated, may be placed at the disposal of the society for the purpose of aiding said society in its object; that this great interest, as

recently excited by previous legislation, may not dwindle down into insignificance for the want of a little judicious assistance.

JAS. B. HUNT,  
TITUS DORT,  
PAYNE K. LEECH,  
GROVE SPENCER,  
WALTER WRIGHT,  
JEREMIAH BROWN,  
FRED. V. SMITH,  
M. SHOEMAKER,

*Ex. Com. of Mich. State Agricultural Society.*

J. C. HOLMES,

*Secretary Michigan State Agricultural Society.*

January, 1851.

[ No. 5. ]

**REPORT** of the Minority of the Committee on Agriculture, to whom was referred sundry petitions asking an additional appropriation in aid of the Michigan State Agricultural Society.

The committee on agriculture, to whom was referred sundry petitions praying for an additional appropriation of six hundred dollars to promote the interests of the State agricultural society, have had the same under consideration, and the minority thereof have instructed me to report them back to the Senate and recommend that no further action be had thereon, and ask to be discharged from the further consideration of the subject.

It may be expected, and it is certainly proper, on a question that all feel so deep an interest, that the committee should present their reasons for recommending the rejection of the prayer of the petitioners. The undersigned are well aware of the importance of encouraging by all proper means, improvements in everything appertaining to the profession of agriculture. From the numerous petitions, the high standing and respectability of the petitioners, embracing as they do many of the most prominent and distinguished names in the State, it is with a great degree of reluctance that we interpose objections to influence or prevent the prayer of the petitioners being granted. Nothing but a rigid sense of duty would induce us to do so. The minority of your committee cannot, however, for a moment divest himself of the opinion that the principle of appropriating money from the treasury for the up-building of this or any other society, is wrong in the abstract, and if not unconstitutional, ought to be, for the reason that it opens wide the doors of legislation, and encourages and invites applicants for like favors and benefits whenever a case can be made up of general utility.

The minority of your committee are therefore unable to perceive why an application under a separate organization, for like appropriations to promote the mercantile, manufacturing and mechanical pro-

fessions should not meet as favorable reception at the hands of the legislature as that of agriculture. Your committee are therefore clearly of opinion that no money should be drawn from the treasury for any purpose whatever not clearly defined by the constitution, or in extreme cases to promote the general welfare of the whole people of the State. This appropriation cannot, we think, properly be classed under that head.

Our State is yet in its infancy—most of the counties sparsely settled, and remote from the place where our annual fair must for years to come necessarily be held; which will preclude the possibility of the farmers living more remote from entering the lists and competing successfully with those more favorably located. None but the more wealthy could command and spare the means to transport themselves and their productions to and from the place of meeting, as it would absorb more than all they could hope to receive if successful, and perhaps irretrievably embarrass them by making the effort to excel in such an unequal competition.

View this question in its most favorable bearing, the undersigned cannot fail to see that in its practical operations it must necessarily be partial and local in its character, and will inevitably inure to the benefit of the few instead of the many, and we may be permitted to say the rich instead of the poor. It may and probably will be said that indirectly it benefits all; we admit that it may to some small extent, though so small in the extremes of the State as to be scarcely if at all perceptible.

The undersigned is a farmer, and a member of the society; one who takes a deep interest in its welfare and prosperity; and if my private opinion and judgment, predicated on close observation, could be of any worth, I would respectfully suggest that it would be far better in the end for the interests of the society to ask leave to withdraw the petitions, recommend the repeal of the standing appropriation and say to the legislature that our profession never have asked nor received but little attention and less aid at your hands; and we will not now occasion the levy of one shilling more taxes on a people already sufficiently burdened; but will, with God's blessing and our own unaided efforts, relying on our own resources, independent and free, support and sustain our own society and make it an honor.

to the Farmers of Michigan and a credit to the State. The amount petitioned for is small, 'tis true; too small to be of essential benefit to our society. If we can live with it, we can without. But still it is large enough to establish a precedent under our new constitution that I had hoped never to see recognized; and if adopted, I fear the tax payers of Michigan may in the end have reason to regret it. I would not pretend to say the legislature have not the power under the constitution, to make the appropriation, for I am no constitutional lawyer. If they have power, it is a mere negative power and ought not be exercised except in extreme cases of necessity; and then only for the equal and universal benefit of the whole people.

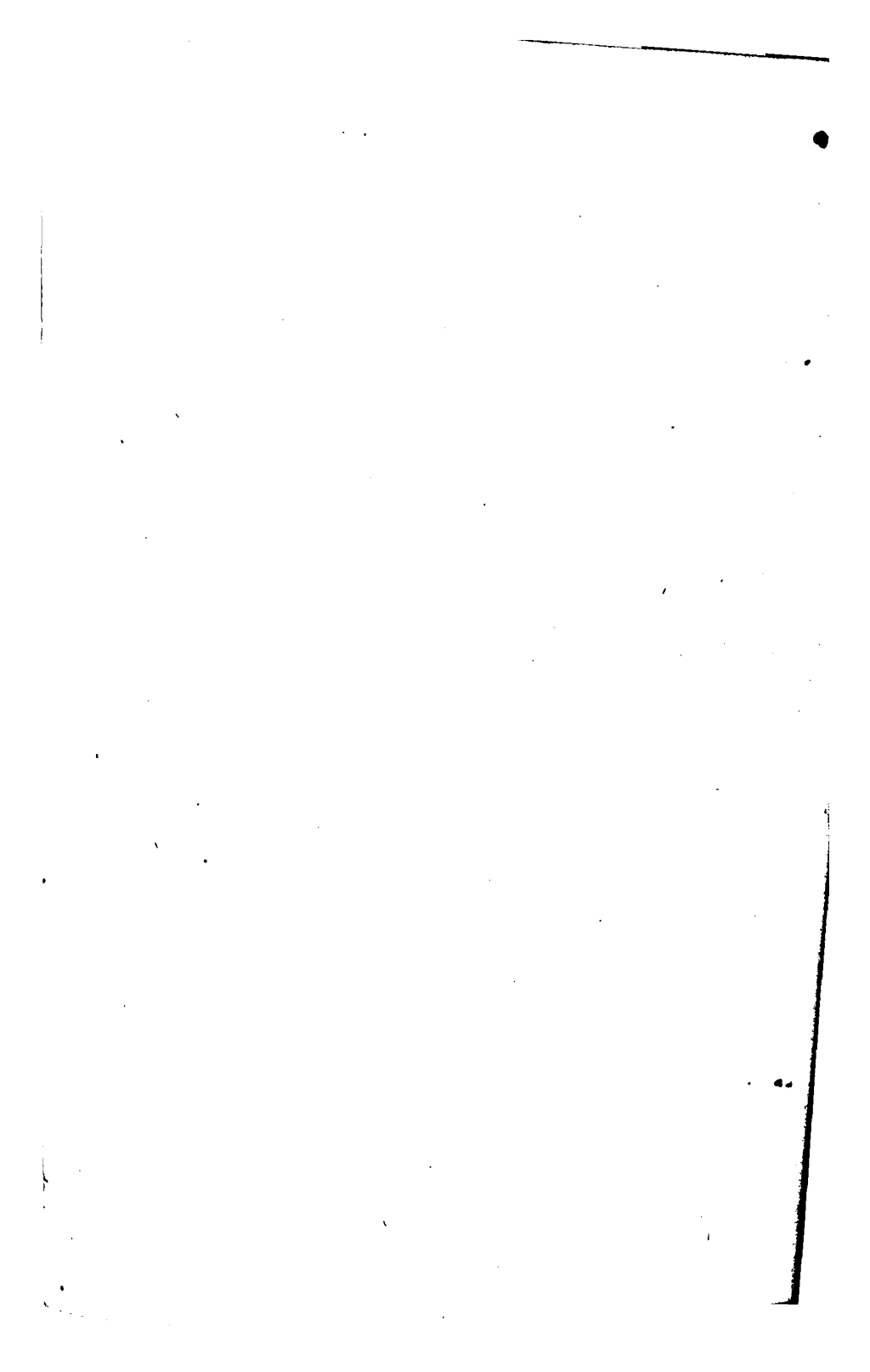
There is another view of this proposition that should not be lost sight of; that is this: while we sustain our society within ourselves, no prejudice can exist against us, and it must necessarily be popular; whereas, the small aid heretofore extended has already created more or less dissatisfaction, and a strong prejudice is already obtaining among the people against the tax, and it is feared if it is increased as contemplated, the prejudice may extend to the society itself. Now we submit whether if this additional amount is appropriated it will not occasion so strong a feeling of disapprobation as to some extent paralyze the benefits that would otherwise flow from it, and by far outweigh any advantages the society might hope to gain. Your committee think it would, and for this reason ought not to be granted.

But, aside from all this, are the tax payers in a situation to bear heavier burdens than are already imposed upon them? We are now in a crisis, owing to the heavy expenditures to defray the expenses of the convention to revise the constitution, the largely increased amount of interest to be paid on our public debt, together with the twenty thousand dollars sinking fund, provided for under the revised constitution, with the ordinary expenses of government, make an amount that will test the ability of the tax payers to meet, to the utmost extent they are either able or willing to bear. The policy of providing a fund annually, to gradually extinguish our public debt, we believe to be founded in wisdom. It is therefore decidedly the opinion of the undersigned that every dollar of property the State owns, every dollar of revenue accruing from any and every source whatever, that can legally be converted and applied, should

be devoted to the accomplishment of so desirable an end. "Let us be just before we are generous." The time may come when our State shall be fully settled, our public debt paid off, our citizens relieved from their embarrassments, are in happy and prosperous circumstances; when our beautiful Peninsula State shall have reached her destiny, and stands forth redeemed, disenthralled and regenerated, the bright particular star among the constellation of her sister States that Nature and Nature's God evidently intended, by the lavish blessings bestowed upon her, that she should occupy. If it should then be deemed expedient to adopt a more liberal policy, some, at least, of the objections that are now urged, will have passed away. Until then, we are most decidedly of opinion that not one dollar that can by any possibility be avoided, should be appropriated for any other purpose.

All which is respectfully submitted.

P. HAYDEN,  
*Chairman.*







[No. 6.]

REPORT of the Committee on Public Lands, relative to the sale  
of certain University land.

The Committee on Public Lands to whom was referred a "bill to authorize the sale of University land in the county of Ottawa, to James Hudson, at its appraised value," have had the same under consideration, and ask leave to report: That the passage of the bill would be an innovation upon the policy heretofore adopted, dangerous in its consequences, and one that demands and should receive the careful consideration of the Senate.

No good reason can be perceived why the minimum price now required on the sale of University lands, or the policy of adopting such price, should be changed in the particular case provided for in this bill; and if any good reason can be found, it would be difficult to see why all the unsold University lands should not be forthwith appraised at their present cash value per acre, or why the same principle should not be adopted and the same course pursued with the primary school lands yet unsold.

The University and primary school lands have been especially set apart and donated to this State by Congress, for a specific object; the importance of which no one will deny, and in the accomplishment of which, this and each successive generation must act an important part, and be vitally interested in the results.

The case intended to be reached by this bill, is not one where real or constructive injustice has been done the applicant. The lands have not been purchased by him under any misapprehension as to their value. If the applicant is now the occupant, before he took possession of the lands he was bound to know upon what terms he could become the owner, and being himself a trespasser, your committee cannot see by what rule he can have any claims upon the

sympathy of the Legislature, or any just or equitable claims for relief, such as is contemplated by the bill.

It has heretofore been the policy of the State to reduce the price of each separate parcel of the University and primary school lands to a price at which they would be immediately saleable; and your committee do not believe that such should be the policy hereafter. Nothing beyond the interest of the fund should ever be expended; and with proper care in its management and an equitable distribution of such interest, it will for all time to come continue to meet the most sanguine expectations of those who established the fund and originated the policy under which it has been hitherto protected.

Aside from any constitutional provision upon the subject, your committee do not believe that we have the right to appropriate any part or portion of the principal of the University or school fund. It should forever remain sacred and inviolate.

We are but acting in the capacity of trustees; which trust is made, and should be regarded as *perpetual* and *special*, with an object as high and holy as any on earth; and we should be particularly cautious how powers not conferred are assumed.

It has been the policy of the State heretofore to so manage these trust funds which have been committed to our charge for the purposes of education, as to have the income increase in proportion to the increase in the number of those who desire its benefit; and your committee are fully convinced that the policy was founded in wisdom, and that it would be a departure from the strict line of duty to abandon it.

If the principle involved in the bill should be carried out, all the university and primary school lands would at once be appraised and sold, the income from which would thereafter be each year the same, whilst the number of those wishing its aid would be steadily but rapidly increasing; thus annually lessening the provision which has been made for their education.

Your committee are aware that this is not the first effort which has been made to establish a precedent, calculated to change the policy of the State in respect to the educational trust funds, and the yearly efforts which are being made, if not for the same object, must

result in the same disastrous consequences—the gradual diminishing and final absorption of the whole fund.

We are bound by every principle of justice to those who have constituted us the trustees, as well as to those who are soon to take our places, and for whose interest we are bound to act, to watch over and protect the funds entrusted to us, and so manage them that the greatest possible good may result not only to the present, but to each successive generation.

It has been said, and may be reiterated, that the university and primary school lands are being increased in value by the surrounding improvements, whilst they are paying no taxes; and that those who are contributing to such increased value should reap an immediate and corresponding benefit; or, in other words, that they should be allowed to purchase those lands at the prices they were worth before such increased value was given them. But whilst your committee willingly admit the truth of the first part of the proposition, they deny that there is any truth, justice or patriotism in the inference. It is an agreement which we are not willing to endorse, and one we confidently believe this Senate will not sustain.

It was not from any intrinsic or marketable value which these lands possessed, that all good men here and elsewhere have spoken with pride of the educational prospects of our State, then and in the future. At the time the university and primary school lands were donated to the State, they were considered nearly valueless, and were so in fact. It was to this very increase in value which was to be given them by the intelligence, the industry and the sure and rapid improvement of our State, to which they looked for the realization of their hopes; and it should be regarded by us and by our successors, as the executors of this trust, a full and ample compensation for the increased value which we are giving these lands, that we are to expend the interest of the fund for the purpose of educating those who must soon take our places. We are paid for executing the trust. We are receiving favors, not conferring; and nothing short of the utmost diligence in the care of these funds, should satisfy us, or will satisfy those who follow us. It is not the magnitude of the case provided for in the bill before your committee, which gives the question its importance, but it is the precedent to be established and the policy to be adopted by its passage.

It will be but an entering wedge, which your committee firmly believe would sooner or later divide and destroy the wise and liberal provision which has been made for the support of education. It will be but the note of preparation for a general attack, which must ere long end in the filching from the people their richest treasure.

If it is desired that our state should maintain its present standing for enterprise and patriotism ; if it is desired that our march should be onward in intelligence and virtue ; if it is desired that not only our children, but our children's children, should be able and willing, each in their turn, to guard and defend the rights of our own, and of every state, and of our whole country, one and inseparable, let us enlarge by any and every just and proper means the provisions for the education of the whole people.

Treason will not flourish, disunion cannot prosper, anarchy will never prevail where the masses are intelligent and virtuous.

Regarding, as your committee do, the principle involved in the policy which would be so far established by the passage of the bill before them, as unwise, and one fraught with lasting and dangerous consequences, your committee feel compelled to report against its passage; and whilst doing so, they would also indulge the confident hope, that no action now or hereafter may be had, which can, by possibility, impair the sacred fund which has been entrusted to us.

[ No. 7. ]

THE PETITION of Mrs. C. Dennis and one hundred and forty-four other Ladies, of Van Buren county, praying that the Sale of Intoxicating Liquors as a beverage may be prohibited by law and that the Sale of the same for Medicinal and Mechanical purposes may be regulated by law.

*To the Senate and House of Representatives of the State of Michigan:*

The undersigned, Ladies of the county of Van Buren, would respectfully represent to your honorable body, that having no remedy under existing laws against the positive evils resulting from the liquor traffic, the interests and well-being of community demand the passage of some law to restrain a business, the effects of which are fast becoming overwhelmingly oppressive in a pecuniary point of view, and absolutely ruinous to every other human interest which comes within its baneful influence.

We are aware that it has not hitherto been an easy matter to induce legislative bodies to take action against the sale of intoxicating drinks, although the wide universe does not furnish a reason for its continuance. Yet believing as we do, that the VICE OF INTemperance which so disfigures our land and degrades our race, can never be removed while an unrestrained liquor traffic is permitted by our laws, we cannot but appeal again and again to the only authority competent to afford legitimate protection.

Lengthened argument is not necessary to convince your honorable body that the sale of intoxicating drinks as a beverage, is productive of evil—always evil, unrelieved by a solitary good. That no public or private interest is subserved by its continuance. That its results are injurious, demoralizing, and often brutalizing to those who follow it for gain, and appallingly ruinous in every sense to the poor deluded victims upon whose unfortunate appetite it depends for its unenviable success.

We therefore ask your honorable body to pass a law at your present session, prohibiting the SALE OF INTOXICATING LIQUORS as a

beverage, attaching suitable penalties as a punishment for its violation; and also regulating their sale for medicinal, mechanical and chemical purposes, in such manner and under such restrictions, that the law cannot be violated with impunity.

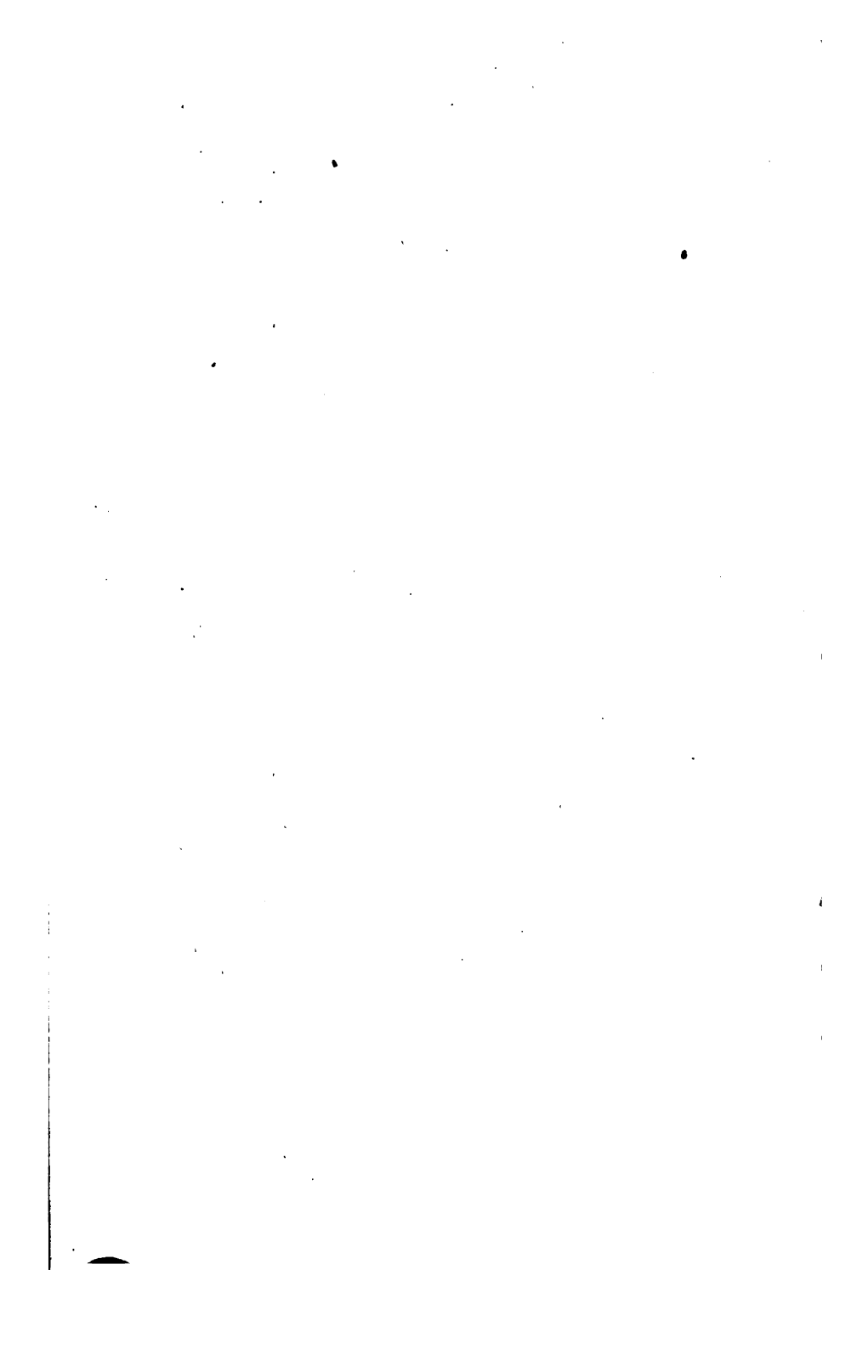
March, 1851.

Mrs. P. A. House,  
 Mrs. O. Hawley,  
 Mrs. N. J. Johnson,  
 Mrs. H. B. Goodrich,  
 Miss Mary E. House,  
 Mrs. Mary E. Gage,  
 Mrs. Sarah Adams,  
 Mrs. C. Dennis,  
 Barzuna Lee,  
 Ann Hayes,  
 Delia Hayes,  
 Eliza Hawkins,  
 Charlotte Bangs,  
 Lucy Vose,  
 Abigail Bangs,  
 Harriet Miller,  
 Hannah Tanner,  
 Hannah Beacom,  
 Lydia R. Pennock,  
 Mrs. Anne Stewart,  
 Mrs. Eleanor Stewart,  
 Mrs. Mary Westover,  
 Mrs. Esfalin Flagg,  
 Mrs. Amy R. Watson,  
 Mrs. Maria Pantlind,  
 Mrs. Polly Rose,  
 Mrs. Lydia House,  
 Mrs. Armina Clapp,  
 Mrs. Hannah Downing,  
 Mrs. S. C. Palmer,  
 Miss Eliza Downing,  
 Miss Laura E. Cuddebeck,  
 " Mary A. Cuddebeck,  
 " Jane L. Cuddebeck,  
 " Frances A. Cuddebeck,  
 Mrs. Mary M. Cuddebeck,  
 Louisa A. Longwell,  
 Mary A. Andrews,  
 Mrs. Electa Dickinson,  
 Marion Dickinson,  
 Maria A. Boutwell,  
 Mary G. Darling,

Mrs. C. Manning,  
 Mrs. E. Cole,  
 Mrs. J. Partlind,  
 Mrs. M. Parker,  
 Mrs. Nancy Longwell,  
 Mrs. Jane Lagrave,  
 Mrs. Eliz'th H. Simmons,  
 Rachel Anna Rix,  
 Phebe Ann Hawkins,  
 Margaret Ballaintine,  
 Helen A. Dorghy  
 Phebe A. Godley.  
 Mary J. Aldrich,  
 Frances Ellen Thompson,  
 Mrs. M. Ocobock,  
 Mrs. L. Johnson,  
 Miss L. Hays,  
 Mrs. Charlotte Orsborn,  
 Miss Aravista Woodman,  
 Miss B. C. Woodman,  
 Miss Tryphena Woodman,  
 Mrs. Amy Gray,  
 Mrs. Frances L. Richmond,  
 Miss Frances E. Warner,  
 Mrs. Cloea Emery,  
 Miss Nancy Emery,  
 Mrs. Martha Shearts,  
 Mrs. S. H. McLaurin,  
 Mrs. J. W. Shearman,  
 Mrs. E. A. Pike,  
 Miss A. E. Barrett,  
 Sarah K. Stewart,  
 C. S. Brough,  
 Mrs. E. H. Hard,  
 Mrs. Sarah Smith,  
 Tirza Wyma,  
 Mrs. R. Clapp,  
 Mrs. Mariba H. Grimes,  
 Mrs. E. Smith,  
 Mrs. Mary Hennesey,  
 Mrs. Bridget Hennesey,  
 Mrs. Jane Reynolds,

A. H. Durkee,  
 Charlotte R. Stevens,  
 Mrs. Jerusha D. Godfrey,  
 Miss C. Frances,  
 Mrs. Hannah Palmer,  
 Miss Cynthia Brown,  
 Mrs. A. Sherman,  
 Mrs. E. Clark,  
 Lucy B. Bangs,  
 Mrs. Sally Randall,  
 Miss Philura L. Warner,  
 Mrs. Arminda Warner,  
 Mrs. Sophrona Bangs,  
 Nancy A. Bangs,  
 Charlotte M. Bangs,  
 Angeline F. Ball,  
 Sally Eastman,  
 Tirzah A. W. Conway,  
 Mrs. Mary Ocobock,  
 Nancy M. Grempa,  
 Miss L. A. Ocobock,  
 Miss M. Vickery,  
 L. A. Blackman,  
 Mrs. Susan Briggs,  
 " Amanda Cooley,  
 Miss Martha Cooley,  
 " Sarah Pennock,  
 " Helen Pennock,  
 Mrs. Philura Warner,  
 Mrs. Harriet Crane,  
 Mrs. Lucy Brown,  
 Miss Mary E. Brown,  
 Miss Henrietta Brown,

Mrs. Julia A. Thompson,  
 Mrs. R. Branch,  
 Mrs. Maria Longwell,  
 Mrs. E. Kilburn,  
 Mrs. Phebe A. Hays,  
 Miss Catharine Warner,  
 Mrs. Avis Warner,  
 Mrs. Palina L. Grimes,  
 Mrs. Eliza A. Stewart,  
 Mrs. Sarah Avery,  
 Mrs. P. Lumbard,  
 Mrs. A. B. Eggleston,  
 Mrs. A. Hays,  
 Mrs. Sellick,  
 H. L. Eggleston,  
 Mrs. H. Melchor,  
 Mrs. E. S. Taylor,  
 Mrs. C. L. Rice,  
 Mrs. Chastina Stone,  
 Miss Fanny Kingbury,  
 Miss Maria Downing,  
 Miss Arelia E. Brown,  
 Miss Sarah A. McGorge,  
 Mrs. Caroline Ballard,  
 Miss Helen Bondfoey,  
 Miss Louisa Ballard,  
 Mrs. L. A. Lee,  
 Mrs. H. Bondfoey,  
 Mrs. L. Fisk,  
 Miss Mary A. Warner,  
 Miss Matilda Tenney,  
 Miss Amanda Fisk.





[No. 8.]

TABLE showing the rate at which the Sinking Fund of \$20,000, provided for in section 2, article 16 of the constitution, with an increase of five per cent. each year on the amount raised the preceding year, will liquidate the State debt, and the amount of interest payable each year, estimating the redeemable portion of said debt at \$2,000,000.

Year.	Tax for sinking fund.	Interest on debt.	Principal of debt.	Total tax to interest on principal of State debt.
1852	\$20,000 00	\$120,000 00	\$1,000,000 00	\$110,000 00
1853	21,000 00	118,800 00	1,980,000 00	139,800 00
1854	22,050 00	117,540 00	1,959,000 00	139,590 00
1855	23 152 50	116 217 00	1,936,950 00	139,369 50
1856	24,310 13	114,727 85	1,913,797 50	139,187 98
1857	25,525 64	113,369 24	1,889,587 37	138,894 88
1858	26 801 92	111,737 70	1,863,961 73	138,639 62
1859	28,142 01	110,230 19	1,837,159 81	138,372 20
1860	29,549 11	108,541 06	1,809,017 80	138,090 19
1861	31 026 56	106,768 12	1,779,468 69	137,794 68
1862	32,577 89	104,906 53	1,748,442 13	137,484 42
1863	34,206 78	102,951 85	1,715,864 24	137,158 63
1864	35,917 12	100,799 45	1,681,657 46	136,816 57
1865	37,712 97	98,744 42	1,645,710 34	136,459 89
1866	39,598 62	96,481 61	1,608,027 37	136,080 24
1867	41 578 55	94,105 72	1,568,428 75	135,684 27
1868	43,657 48	91,611 01	1,526,850 20	135,268 49
1869	45 840 35	88,991 56	1,483,192 72	134,831 91
1870	48,132 37	86,241 14	1,437,3 2 87	134,373 51
1871	50 538 98	83,353 20	1,389,220 00	133,892 18
1872	53,065 93	80,320 86	1,338,681 02	133,386 79
1873	55,719 23	77,136 90	1,285,615 09	132,856 14
1874	58,505 19	73,793 75	1,229,895 86	132,295 94
1875	61,430 45	70,283 44	1,171,390 67	131,713 89
1876	64 501 97	66,597 61	1,109,960 22	131,069 58
1877	67,727 08	62,687 49	1,044,458 25	130,394 57
1878	71,115 43	58,603 87	976,731 17	129,717 30
1879	74,669 08	54,337 06	905,617 70	129,006 14
1880	78,402 53	49,856 91	830,948 60	128,259 45
1881	82,322 65	45,152 77	752,546 11	127,475 42
1882	86,438 78	40,213 41	670,223 48	126,652 19
1883	90,760 72	35,027 11	583,785 20	125,787 83
1884	95,298 76	29,581 47	493,024 48	124,880 23
1885	100,063 79	23,863 54	397,725 72	123,927 24
1886	105,066 88	17,859 72	297,662 02	122,926 60
1887	110,320 22	11,555 70	192,595 14	121,875 97
	82,274 92	4,936 50	22,274 92	87,211 42



[No. 9.]

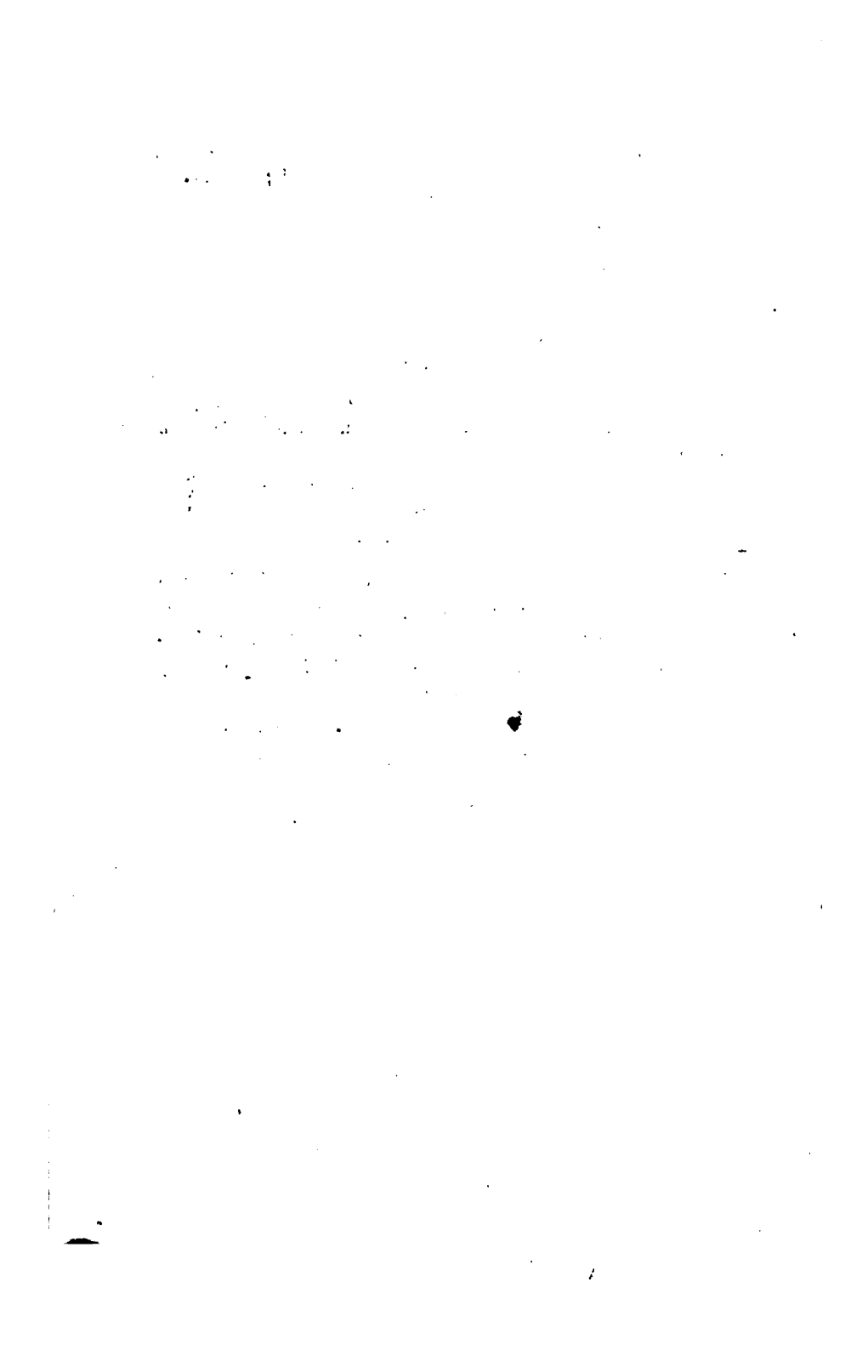
SPECIAL MESSAGE from the Governor, transmitting communication from the Superintendent of Lights, on the North Western Lakes.

EXECUTIVE OFFICE, }  
Lansing, March 17, 1851. }

*To the Senate and House of Representatives:*

I herewith transmit for your consideration, a communication from the Superintendent and Inspector of lights on the North Western Lakes, requesting the Legislature to cede to the United States jurisdiction over a parcel of land near the mouth of the Muskegon River, on which it is proposed to erect a light house.

JNO. S. BARRY.



OFFICE OF SUP'T & INSPECT'R OF LIGHTS, }  
Buffalo, March 8, 1851. }

SIR:—As the United States Government is about erecting a Light House, &c., at the mouth of the Muskegon River, Ottawa county, Michigan, on a piece of land purchased for this purpose, it will be necessary for us to procure the passage of the usual act from your Legislature, vesting jurisdiction over the above land in the United States. The land selected for the above purpose, is described as follows:

‘ One acre of land lying and being in the county of Ottawa, State of Michigan, being part of lot No. 8, of fractional section No. 28, in township No. 10 north of range 17 west; the entire front bordering on Muskegon river, and running back the same distance, and being the acre of land selected by Henry B. Miller, Superintendent and Inspector of Lights, for the purpose of erecting Light House buildings thereon.’

You will therefore be pleased to lay this subject at once before your Hon. legislative body, so that this act may be passed at the present session. You will also please send me a copy of such act, when passed, so I may forward it to the 5th Auditor of the United States Treasury Department, for preservation.

I have the honor to be,

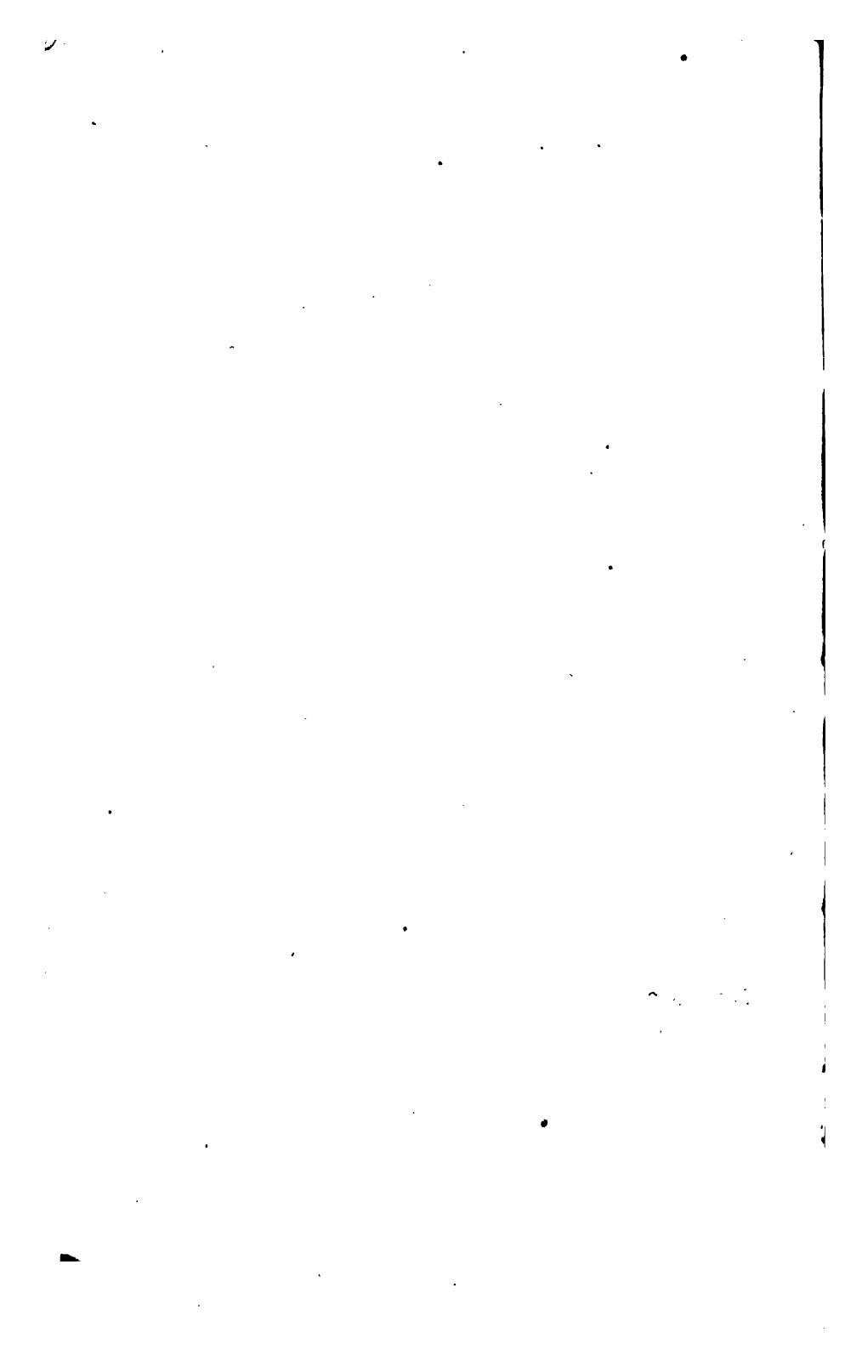
Sir, respectfully your ob't serv't,

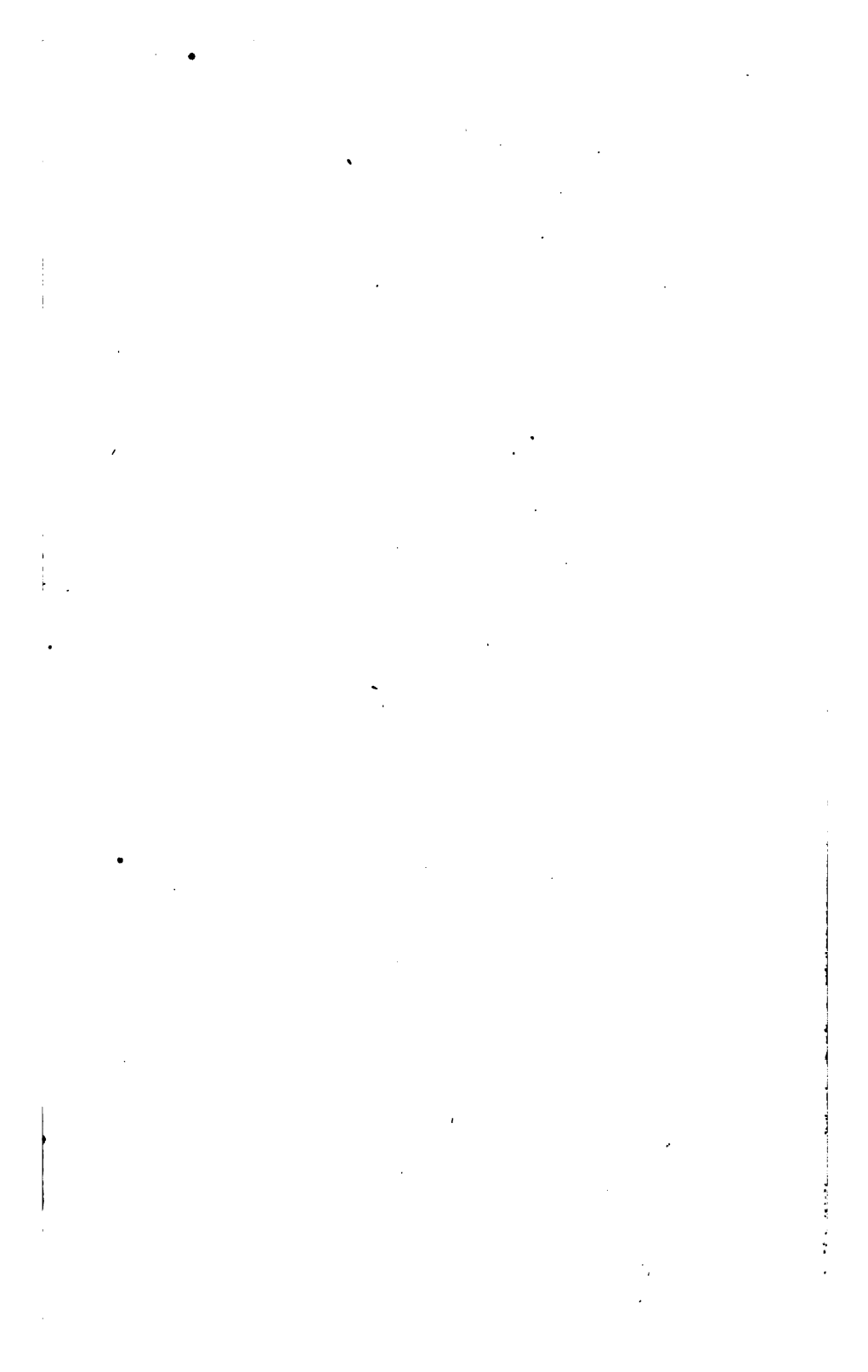
HENRY B. MILLER,

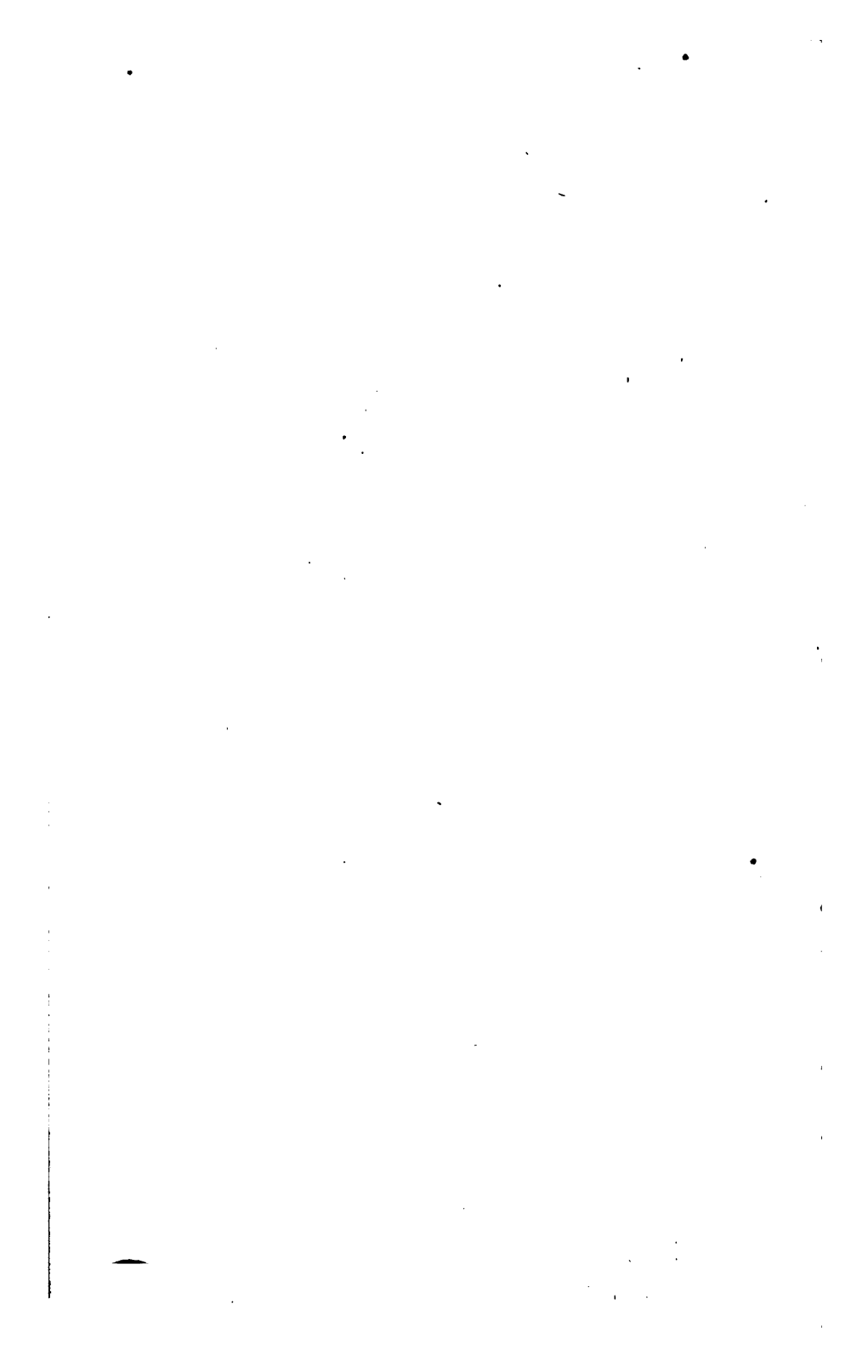
*Sup't and Inspect'r of Lights, N. W. Lakes.*

Hon. JOHN S. BARRY,

*Governor of Michigan.*









[ No. 16. ]

COMMUNICATION from the State Treasurer relative to the Farmer's and Mechanic's Bank of Michigan.

STATE TREASURER'S OFFICE, }  
Lansing, March 17, 1851. }

Hon. WM. M. FENTON,

*President of the Senate:*

SIR—I have the honor to acknowledge the receipt of Senate resolution, of the date of March 14, 1851, requesting me to report certain information to the Senate in regard to the Farmer's and Mechanic's Bank of Michigan.

In compliance with said resolution, I have the honor to report, that on the third day of January last, I called upon said Bank for all their notes not countersigned by me, which were in their possession at that time; at which time they surrendered to me *twenty-three thousand nine hundred and fifty-five dollars, (\$23,955.)* which I destroyed by burning, in presence of certain officers of the Bank.

I further report, that I have countersigned and delivered to said Bank, twenty-one thousand dollars of countersigned and registered notes, which are secured by a pledge of fifty thousand dollars of Michigan State stocks. These notes were delivered at different times and in different amounts, previous to the first day of February last, at which time I took one receipt for the whole twenty-one thousand dollars. The aforesaid twenty-one thousand dollars are all the countersigned notes that have been issued from this office to said bank at any time.

In regard to the last inquiry in the resolution, I have to say that it has not come to my personal knowledge that any bills or notes not countersigned, have been paid out by said Bank, directly or indirectly, by its officers or agents, over its own counters, or in any other manner, since the fifth day of November, 1850, except in the follow-

ing instance, viz: on the 13th inst. I called on the Farmer's and Mechanic's Bank for the purpose of estimating the value of the real estate belonging to said Bank, and deducting it from the capital stock for the purpose of ascertaining the amount of specific tax due from said Bank to the State; and after ascertaining that sum to be \$448.07, the cashier directed the teller to pay to me this amount "*out of his own (the cashiers') private package.*" At my request, the teller put up the money in a package and sealed it, and on opening the same after my arrival at Lansing, part of it turned out to be notes of the said Bank, not countersigned.

Respectfully yours, &c.,

B. C. WHITTEMORE,

*State Treasurer.*

[ No. 11. ]

COMMUNICATION from the State Treasurer relative to amount  
of Tax paid by the Banks of this State, &c., &c.

STATE TREASURER'S OFFICE, }  
Lansing, March 17, 1851. }

To the Hon. WILLIAM M. FENTON,

*President of the Senate:*

SIR—I have the honor to acknowledge the receipt of Senate resolution, of the 8th inst., calling on me for information in regard to the amount of tax paid by the Banks of this State; the amount of capital stock; the amount deducted therefrom for value of real estate, for the purpose of taxation; also the amount of stock deposited by each of said Banks, and the amount of bills or notes delivered to each.

In reply, I would state that the Banks have paid the amount of taxes stated below, viz:

Michigan Insurance Company Bank,	\$1,670 10
Government Stock Bank,	149 75
Peninsular Bank,	535 03
Farmer's and Mechanic's Bank,	448 07

The Michigan State Bank pays her tax semi-annually, in March and October, and consequently has paid nothing since 1st of January last. In regard to the Peninsular and Government Stock Banks, it is proper that I should state that I was at a loss to determine what amount of tax they were required by law to pay, and had referred the question to the Attorney General for his opinion, which I received this day; and in accordance with which, the taxes of the two Banks will be largely increased. I deem it my duty, in justice to said Banks, to state that they have all along assured me of their willingness and readiness to pay such tax as should be determined by the proper authorities they were bound to pay, whenever such determination should be arrived at.

The amount of capital stock upon which the amount of taxes has been calculated for the different Banks, is as follows, viz:

Far. & Mechan. Bank of Mich., capital,	\$400,000	
Am't deducted for real estate,	355,193	\$ 41,807

Mich. Ins. Co. Bank, capital,	167,010	
Value of real estate claimed by bank to be deducted, not adjusted,	4,769	\$162,241

Peninsular Bank,	87,250
Government Stock Bank,	25,500

Under the decision of the Attorney General, above referred to, the two last named Banks will be required to pay on a capital stock of \$100,000 each.

The amount of stocks pledged with me by the different Banks, to secure circulating notes, and the amount of circulating notes issued from this office to the respective Banks, is as follows, viz:

**Michigan Insurance Bank.**

Individual liability notes,		\$119,992
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Stock secured notes,	\$137,040 00
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Stocks deposited,	137,067 84
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**Peninsular Bank.**

Stock secured notes,	\$100,000 00
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Stocks deposited,	100,030 36
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**Government Stock Bank.**

Stock secured notes,	\$ 62,001 00
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Stocks deposited,	62,000 00
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**Farmer's and Mechanic's Bank.**

Stock secured notes,	\$ 21,000 00
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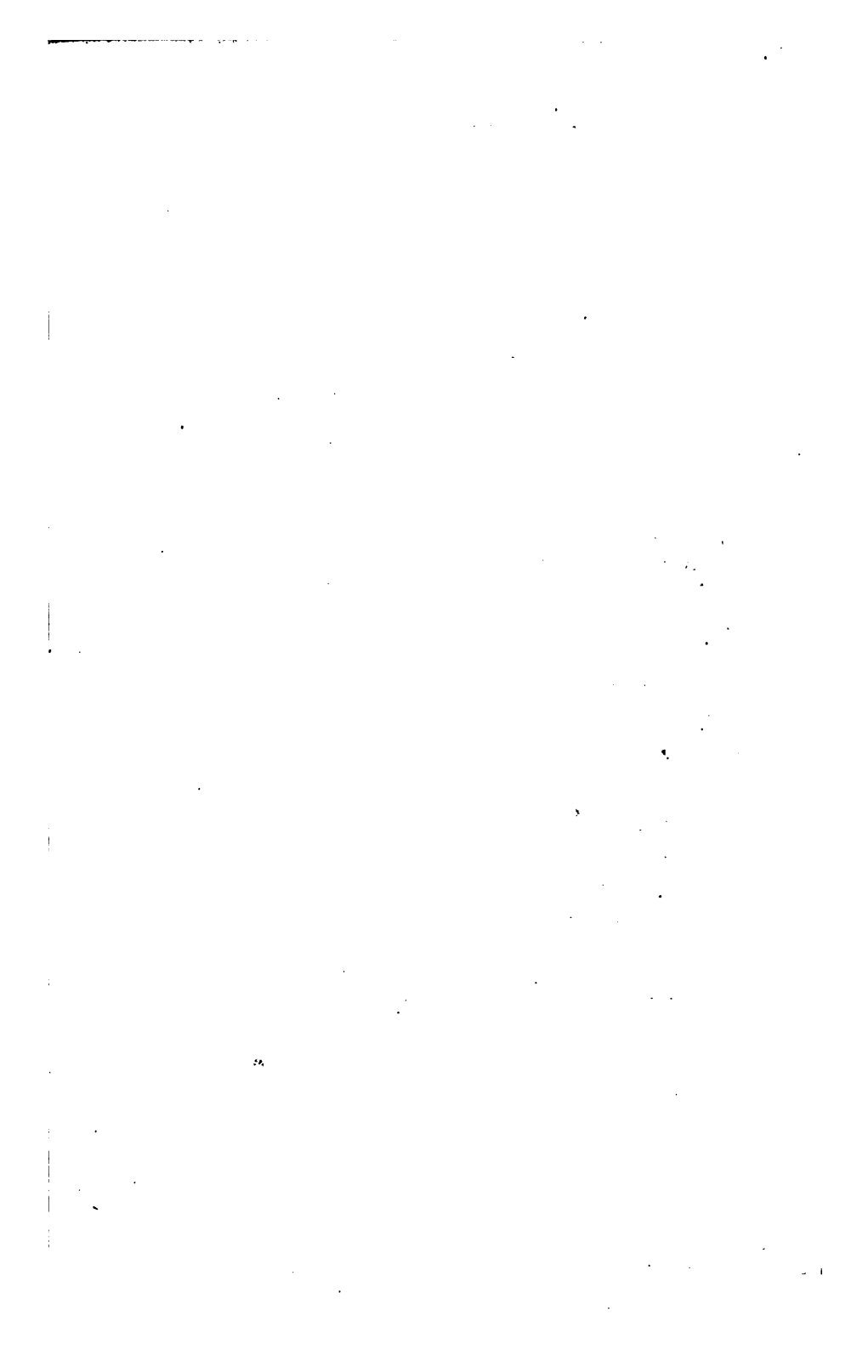
Stocks deposited,	50,001 70
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All of which is respectfully submitted.

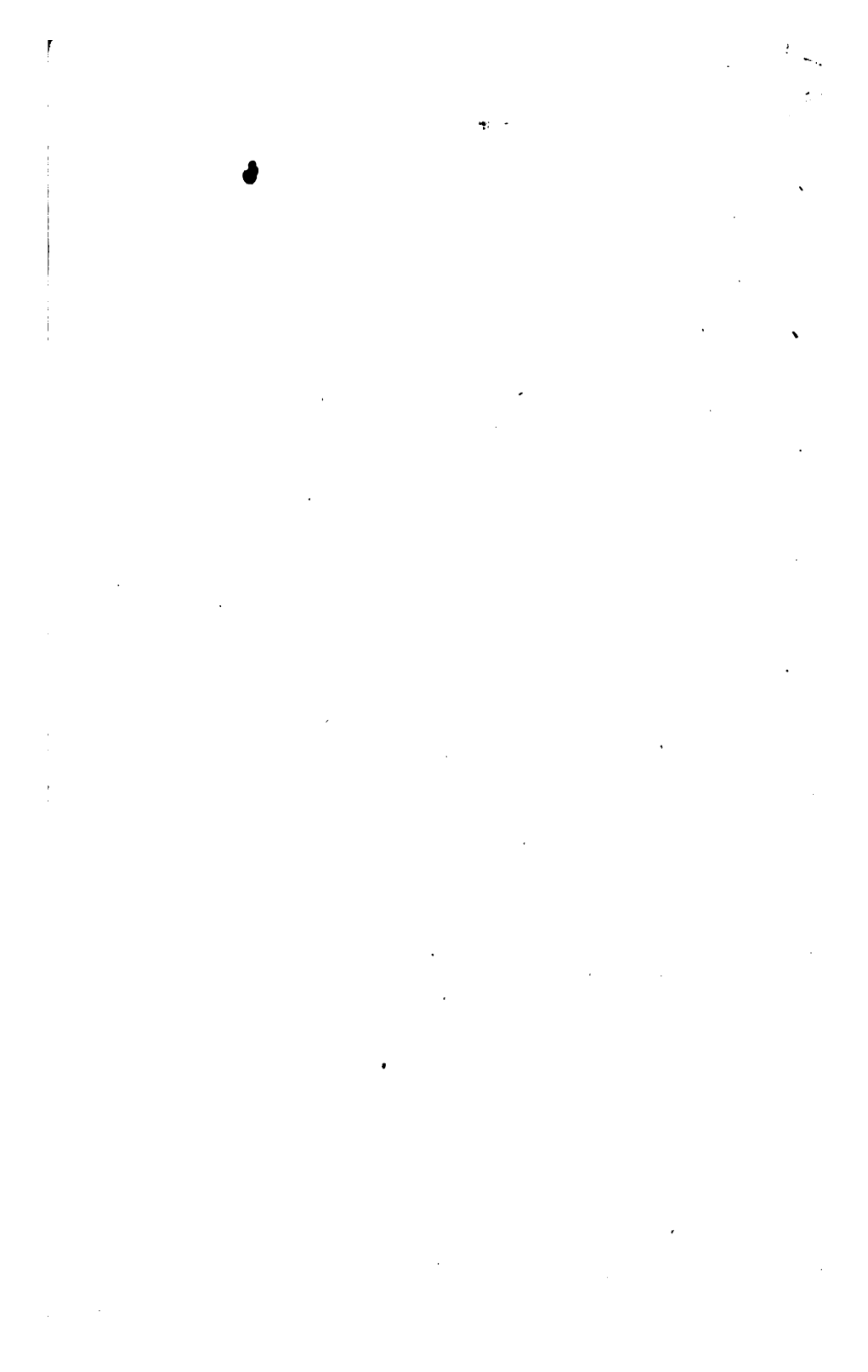
Respectfully yours, &c.,

**B. C. WHITTEMORE,**

*State Treasurer.*











[ No. 12. ]

REPORT of the Committee on Expiring Laws, respecting the License Laws.

The committee on expiring laws, to whom was referred so much of the new constitution and Governor's message as relates to the sale of intoxicating liquors, and sundry petitions upon the same subject, respectfully report, that they have given to the subject their most serious and careful consideration, with an anxious desire of discharging the thankless task so imposed upon them, in a manner that should meet with the approbation of the Senate, and subserve the public welfare in that regard. At every point of their inquiry your committee have felt themselves surrounded with difficulty and embarrassment.

The action taken upon the subject by the late Convention that revised the constitution of our State, and the large number of petitions that have been presented at this session of the Legislature, and the respectable character and high standing of most of the petitioners, afford sufficient proof that the public mind is deeply exercised in reference to the sad and deplorable effects produced by the sale of intoxicating liquors, upon the happiness of those individuals subjected to its blighting and withering influence, as well as upon the general prosperity of the country at large.

But the vague and indefinite provision incorporated into our new constitution, as well as the various and conflicting views expressed by those who have petitioned the Legislature upon the subject, would be sufficient to satisfy your committee, had they no other proof, that the public mind is wholly unsettled in respect to the best remedy to be applied to effect a termination of the evils complained of.

The experience of every age, but more particularly that of the present, reminds every honest mind that any revolution for good, in the morals of any community, in order to be permanent, must pre-

ceed from an actual change in the public mind; that any positive statute law calculated to restrain the natural inclination of the mind, and *compel* mankind to be more humane, upright and moral, will remain but a dead letter upon the statute book, unless it is preceded by and in accordance with public sentiment; and that any law, however right, which meets with such a fate effects more injury than good, as it encourages the evil disposed to violate all law.

But a greater obstacle than the unsettled state of public opinion, in the judgment of your committee, is presented in opposition to legislation upon the subject at the present time.

The new constitution provides that "*That the Legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating liquors.*" It is difficult to determine whether this provision was intended to prohibit the passage of any new laws upon the subject, but keep the present laws in force, to be administered as before, as it does not direct or recommend a repeal of existing laws; whether it was designed to abrogate that portion of the license laws, as well as prohibit others respecting granting license to the traffic, but keeps in force that part which prohibits the traffic *without* license, and thus establish a perfect and perpetual prohibition thereof; or whether it was intended simply to remove from the traffic the obstacles thrown in its way, as well as deprive it of the sanction afforded it by the license laws, and thus leave the traffic open and free to those desiring to engage therein, subject only to the common law provisions against the erection of nuisances, and the penalties for the violation of natural rights. From the debates and vote upon that provision, it appears that it received the support of many in favor of wholly prohibiting the traffic, many in favor of leaving it open and free, and others in favor of the present license laws.

It is evident, therefore, that the Convention which revised our constitution, aware that the public mind was much exercised in respect to the evils of intemperance, and that some action would be expected of it in that regard, was signally happy in the conception of a provision so applicable to the present unsettled state of the public mind; one which, until a construction should be given it by the courts, could be interpreted to suit all the conflicting theories upon the subject.

Your committee believe that some prohibiting enactments, that shall be effectual in removing some of the grievous evils flowing from the traffic in ardent spirits, are desirable and called for—although they do not arrive at that conclusion so much from the numerous and highly respectable names that have endorsed the representations and complaints contained in the petitions upon that subject, as from their own observation; for they are aware that a too accommodating spirit, in respect to lending names to petitions, prevails in this State—that many good citizens will often, for accommodation, sign petitions endorsing sentiments which they would condemn the Legislature for carrying out. Upon some of the petitions referred to your committee are the names of some gentlemen who your committee are satisfied not only believe the plans recommended in their petition for remedying the evils complained of, are entirely impracticable, but who would visit the Legislature with their severest censure, should it attempt to carry them out; and that there are many others, who, though they would not exhibit opposition to the prayer of their own petition to the same extent, nevertheless, by their daily habits, their facetious conduct towards, and their patronage and encouragement extended to, those engaged in the traffic, furnish satisfactory proof that the sentiments of their petition are no index to their real opinions. That a large proportion, however, of the several thousand highly respectable citizens who have signed the petitions presented upon that subject, are really at heart believers in and devotedly attached to the sentiments of their respective petitions, your committee do not entertain a doubt, as conflicting as they may appear, and that they will deserve your consideration. Without first knowing, however, what construction will be given to the constitutional provision referred to, by the Supreme Court of this State, and what its effect upon the traffic, without any other new provision of law, would be, your committee have been in doubt as to what is the duty of the Legislature in the premises. If the Legislature held annual sessions, your committee, in view of the danger of coming in contact with the construction that may be given by the court to the constitution, by their attempting to meddle with the license laws at the present time, would have recommended that no action should be taken upon the subject at the present session; but, as it is otherwise provided, they

have not been able to reconcile such a course with their sense of duty in that regard.

If any construction can be given to the provision of the constitution referred, which shall give it any positive and practical effect, your committee believe it must be regarded as asserting the broad principle of condemnation of all laws for licensing the traffic, and that it virtually annuls our present license laws, as well as prohibits others. But to prevent controversies and litigations that may arise from conflicting opinions upon that subject, your committee recommend a formal repeal of all such laws.

And for the purpose of leaving the question with the *people*, where all power properly belongs, and whose judgment all good citizens should, in a republican government, at all times abide, to say whether the traffic shall be thrown open, be prohibited, or be curtailed and restrained, by making the vender liable for all the injuries immediately resulting from the traffic, your committee recommend that two amendments to the constitutional provision upon that subject be submitted to the people, which shall determine their will in that respect; and for such purpose they have prepared and herewith present a bill for the formal repeal of the license laws, and joint resolutions for submitting to the people the amendments to the constitution, in which they ask the concurrence of the Senate, and that they may be discharged from the further consideration of the subject.

H. S. MEAD.

*Chairman.*

[ No. 13. ]

COMMUNICATION from the Secretary of State, relative to the expenses of the Constitutional Convention.

OFFICE OF THE SECRETARY OF STATE, }  
Lansing, March 21, 1851. }

HON. WM. M. FENTON,

*President of the Senate:*

SIR—I have the honor to acknowledge the receipt of the following preamble and resolution, adopted by the Senate on the 19th inst.:

“*Whereas*, It is provided by the constitution that the present Legislature shall provide for the payment of all expenditures of the Convention to revise the constitution, and of the publication of the same; therefore

“*Resolved*, That the Secretary of State be requested to ascertain and report to the Senate the expenses of the Constitutional Convention, specifying the items of the same, and distinguishing between the items paid and the items unpaid, and for which provision yet remains to be made.”

In answer to the resolution, I respectfully submit the statements hereto appended of the paid and unpaid expenses of the Constitutional Convention, so far as I have been enabled to ascertain the same. Having no documents or papers on file in this office pertaining to this subject, I have obtained this information from other sources. The statement of expenses *paid* was furnished by the Auditor General from his books, and is undoubtedly correct. The statement of the *unpaid* expenses is made up from *estimates*, and, of course, is not accurate. Some smaller items, it is quite probable, are omitted.

I think, however, the sum total of the *unpaid* statement approximates very nearly to the real amount of the unpaid expenses of the Convention.

All of which is respectfully submitted.

Very respectfully yours,

C. H. TAYLOR,

*Secretary of State.*

*STATEMENT of expenses of Constitutional Convention of 1850,  
already paid.*

Pay of members and officers,	\$27,980 00
Printing,	2,845 84
Stationery,	815 76
Binding,	851 89
Enrolling journal,	152 16
Advertising notices of election of delegates,	36 00
	<hr/>
	<b>\$32,681 65</b>
	<hr/> <hr/>

*STATEMENT of estimated expenses of Constitutional Convention of  
1850, unpaid.*

Newspapers furnished members,	\$450 00
Binding 1,200 copies of Debates,	1,500 00
R. W. Ingals, printing and publishing debates,	2,000 00
Constitution published in 60 papers, at \$25 each,	1,500 00
C. J. Fox, superintending publication of Debates, proof reading, and preparing indexes,	600 00
H. S. Roberts, services in completing journal after adjournment of Convention,	25 00
R. W. Ingals, debates mailed to newspapers, printing constitution, and other items,	200 00
Casper Butz, translating constitution into the German language,	50 00
	<hr/>
	<b>\$6,325 00</b>
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[No. 14.]

**REPORT of the Committee on Finance, on a Bill to provide for auditing and paying the Expenses of the Constitutional Convention.**

The committee on Finance, to whom was referred "a bill to provide for auditing and paying the expenses of the constitutional Convention," have had the same under consideration, and have instructed me as their chairman, to make the following report:

That upon reference to section 21 of the Schedule to the constitution, the committee find that the Legislature are required to provide for the payment of all expenditures of the Convention to revise the constitution, and for the purpose of complying with this provision, it became important to ascertain what the aggregate amount of expenditures were, their nature, and the kind and amount of items that yet remain unpaid.

By a resolution calling upon the Secretary of State, adopted in the Senate on the 19th inst., the following has been furnished as the expenses of the Convention:

*Paid.*

Pay of members and officers,	\$27,980 00
Printing,	2,845 84
Stationery,	815 76
Binding,	851 89
Enrolling journal,	152 16
Advertising notices of election of delegates,	36 00
	<hr/>
	<u>\$32,681 65</u>

*Unpaid.*

Newspapers furnished members,	\$450 00
Binding 1,200 copies of Debates,	1,500 00
R. W. Ingals, printing and publishing debates,	2,000 00
Constitution published in 60 papers, at \$25 each,	1,500 00
C. J. Fox, superintending publication of Debates, proof reading, and preparing index,	600 00
H. S. Roberts, services in completing journal after adjournment of Convention,	25 00
R. W. Ingals, debates mailed to newspapers, printing constitution, and other items,	200 00
Casper Butz, translating constitution into the German language,	50 00
	\$6,325 00

It seems that provision is yet to be made for printing, stitching and binding 1200 copies of the reported debates of the Convention. This is in addition to 1200 copies furnished to its members during its sitting, making 2400 copies in all. Of this number, 13 copies were distributed to each member, 12 in sheets, and 1 bound copy. (Journal of Convention, pages 16 and 50.)

Your committee have been perplexed and confused in attempting to reconcile this distribution of books, with the principle laid down in section 15, article 4 of the constitution, which provides that each member of the Legislature shall be entitled to one copy only of the laws, journals and documents of the Legislature of which he was a member, but shall not receive, at the expense of the State, books, newspapers, or other perquisites of office. They approached the question, deeply impressed with the many difficulties which surrounded them, and entered upon the consideration of it with extreme delicacy, and trammelled with great doubt.

The same sovereign power that breathed the breath of life into the resolution, recognized and fixed the principle above alluded to in the constitution. The difficulty arises in attempting to determine which should be construed as paramount, the resolution or the constitution. Both seem to be clear, concise and conclusive, yet both cannot stand. Your committee, however, are inclined to think, after much delibera-

tion, that the resolution ought to prevail, as the other construction would be followed by consequences so disastrous to the members of the Convention themselves, that your committee could not possibly think of giving the question so melancholly a turn. They therefore think that the appropriation ought to be made, and recommend accordingly.

Your committee, however, having overcome this objection, and having resolved to recommend an appropriation for printing the debates, and also for the distribution of the copies provided among its members, immediately came in conflict with two other items which threatened at once to overwhelm them. They allude to the item for newspapers and stationery. They find the following resolution at page 523 of the journal of the Convention:

*Resolved*, That this Convention recommend to the next Legislature that proper compensation be paid by the State to the proprietors of the various newspaper press who have regularly furnished the members of this Convention with their papers."

They find also in section 15, article 4 of the constitution, the following as the prescribed amount to members of the Legislature for newspapers and stationery:

"For stationery and newspapers, not exceeding five dollars for each member during any session."

The amount estimated for newspapers alone, is \$450 00—\$4 50 for each member of the Convention; and for newspapers and stationery, \$1,265 76, or \$12 to each member. While your committee believe that the Legislature have fifty times more business in bulk than came before the Convention, and consequently must consume a much greater quantity of stationery, your committee concede that five dollars is sufficient to cover the expense to each member of the Legislature for newspapers and stationery, and all that the Legislature have voted for several years past, and they cannot convince themselves that the Convention was in earnest, after having engrafted that amount in the constitution, and thus solemnly affirmed it, in recommending the payment to themselves of so much larger an amount. Your committee, however, believe that the members of the Convention patriotically offered up themselves as a practical illustration of the danger of leaving that provision out of the organic law.

for the benefit of all future Legislatures; that this was an example given to shun—not to imitate. An error may illustrate its opposite, truth, as well as truth, error; and they therefore cheerfully recommend the appropriation.

Your committee, in pursuing their laborious investigations, find that the bill provides for an appropriation to C. J. Fox. The unpaid claim of Mr. Fox arises under the following resolution:

*“Resolved, That C. J. Fox, one of the reporters of this Convention, be and he is hereby authorized and required to superintend the proof-reading and publication of the debates of the Convention, and to complete the index of the same.”* (*Journal of Convention, pages 462 and 519.*)

The claim of Mr. Fox amounts to \$600, which is in addition to his services as Reporter during the sitting of the Convention, and for services rendered after the adjournment of the same. Your committee believe that his duty was a careful supervision of the debates, so that no error might find its way into the volume in the absence of the members. This is a matter in which all our State pride is enlisted; and your committee think an appropriation ought to be made, out of which Mr. Fox should be paid what his services are worth.

Your committee do not know whether or not they are called upon to inquire into the payment made to members of the Convention during the adjournment of that body between June 29 and July 9. They feel delicate upon the subject, and would prefer to be excused. They find that several resolutions were offered, both before and after the adjournment, declaring that it would be unjust to the tax-payers of this State for the members and officers of the Convention to receive any pay from the public treasury during said adjournment; but owing to a misapprehension of the purport of these resolutions, or to a press of business, or possibly to a want of votes, your committee are compelled with sorrow to say that the resolution did not pass, and that between \$2,000 and \$3,000 were drawn from the treasury to pay members and officers during this adjournment.

However, it is cheering to reflect that the Convention have forever prohibited the possibility of a like occurrence again, unless another Constitutional Convention should be called. Members of the Legislature are to be paid for “actual attendance only, and when absent

on account of sickness," so the error died where it was born, and no apprehension need exist of its recurrence.

Your committee would, however, say that they cannot think it necessary to appropriate \$1,500 for merely binding 1200 copies of the debates, or \$1.25 per volume; and they recommend an amendment to the bill.

They also think that \$800 is an estimated amount too great for the services of Mr. Fox. They are willing to allow to him an amount not exceeding three dollars a day, for the time actually and necessarily employed, which the committee believe is all that Mr. Fox claims.

The charge of \$200 for mailing debates to newspapers, printing constitution, and *other items*, your committee have not investigated fully, and indeed do not know how broad an amount "other items" covers. This, however, will be a subject of consideration for the State Auditors.

Your committee report back the bill, with amendments in which the concurrence of the Senate is asked.

H. H. RILEY,  
*Ch'n Com. on Finance.*









[No. 15.]

**REPORT of the Committee on Printing relative to printing Constitution and Laws in the German Language.**

The committee on printing, to whom was referred the petition of Ferdinand Seivers and seventy-seven others, praying that our constitution and laws may be translated and published in the German language, have had the same under consideration and directed me to report:

The prayer of the petition had under consideration seems to call for the publication in the German language, of our entire code of statute laws, involving a heavy expense on the State, which your committee believe would be of little use to the petitioners themselves or any others in like circumstances.

It is undoubtedly for the interest of the State to offer every reasonable inducement to the German emigrant, seeking a home in this country, to take up a residence within our borders and occupy our vacant lands; and also to extend to the already large number of this class now settled with us, every proper facility to become familiar with our institutions and laws. They constitute a class, in worth and intelligence, deserving our highest esteem; and viewed in the light of industrious, frugal and useful citizens, they stand among the foremost of the front ranks. Many of them are now citizens and voters, and under the provisions of the new constitution the foreign emigrant who arrives to-day, may, within a short period, attain the rights and privileges of citizenship. It is then not only important but necessary to the true interests of the State, to extend to her adopted citizens all suitable means whereby they may acquire, at the shortest period practicable, a knowledge of our laws, and correct ideas of their obligations and rights.

A majority of our emigrant population are Germans, unable to read or speak our national language. They generally arrive in large companies, and take up large tracts of territory, covering entire townships, where they immediately incur responsibilities and meet with

serious difficulties in town organizations and otherwise, from inability to read our laws. These difficulties must continue until they acquire a knowledge of the English tongue, or the laws are, to some extent, published in their own language. The former is certainly the more desirable plan of removing all inconveniences and difficulties, as, at the same time, it would obliterate any distinctive feeling or character among persons from different countries, but now citizens of the same State, having a common interest in her welfare and prosperity. But it requires several years, even with close application and study, to acquire a knowledge of our language, and without a publication in their own language, our adopted citizens must remain for a length of time, ignorant of their duties and rights.

Your committee, therefore, while of opinion that the prayer of the petition should be denied, deem it advisable to recommend the translation and publication, in the German tongue, of certain portions of our statute laws of immediate importance to the emigrant settler, and have directed me to introduce a bill.





[No. 16.]

**REPORT of Committee on amendments to the Constitution.**

Mr. Roberts presented the following report:

The committee to whom was referred the propriety of introducing amendments to the Constitution, respectfully report, that the present Constitution was adopted by a large majority of the people of Michigan, and might be presumed, therefore, in its essential character, provisions and features, to be the deliberate and solemn decision of the popular will. If this were so in fact, any proposition for a change of that instrument before it had stood the test of time, might appear like vacillation, be considered ill timed and fraught perhaps with danger. Opposition to any of the provisions of the constitution—a desire to engraft new features, should be based upon well deliberated opinions of its actual imperfections, and upon due consideration of the public good and the best welfare of the people. Expressions of public sentiment at this early period after the adoption of the constitution are, however, becoming general that this instrument does in fact contain provisions which are the cause of discontent and difficulty, which will not stand the test of time.

That in many respects the new constitution is in advance of the old is doubtless acknowledged. Those clauses which are balanced to bear most prominently on the great interests of the people; and which appear to have for their object a reduction in the expenses of the government—the lessening and equalizing of taxation—the securing beyond doubt and future controversy, the payment of our state debt, have had their controlling effect upon all classes of our citizens in voting for the adoption of that instrument—while at the same time objectionable features were found before its adoption, which it was well understood could be afterwards remedied in the forms prescribed in the instrument itself.

Propositions for modification or change cannot be deemed therefore as the offspring of discontent, directed at the constitution without reason, but as the result of an earnest disposition to give to it that perfection which it is believed a majority of the people require to give it their full approbation.

The short time remaining of this session of the Legislature, and the press of business following its close, precludes the idea on the part of the committee, of an elaborate discussion of amendments proposed for submission to the popular vote. Prominent as a required amendment in this respect, however, stands the judiciary system. If the policy which prevailed in the convention to establish a system of circuit courts and provide for the election of judges by circuits, is objectionable in theory, it has every prospect, so far as its operations can be foreseen, to be no less fatal in its practical results.

Without reviewing the arguments which have been heretofore adduced in favor of or against either an independent supreme tribunal, or the system as it is, the committee are satisfied that the latter will fail to give satisfaction to the people or secure the strongest degree of confidence in its decisions. With this view the committee are unanimous in their sentiment that a proposition to amend the constitution in this respect should be submitted by this legislature, embracing a different system, and which proposition the committee have embodied in a resolution which will be submitted to the Senate. An additional reason exists for submitting this amendment from the fact that no legislation can probably be had under the term of two years at least, should such amendment not be submitted at this session, whilst in the mean time it may be apprehended from the operation of the detail of the present system that its evils will have taken so deep root into our governmental policy as to become a permanent and fixed part of it. Time will sufficiently intervene also after the submission of this amendment to the people, to enable them to exercise their judgment as to its merits with greater care and satisfaction.

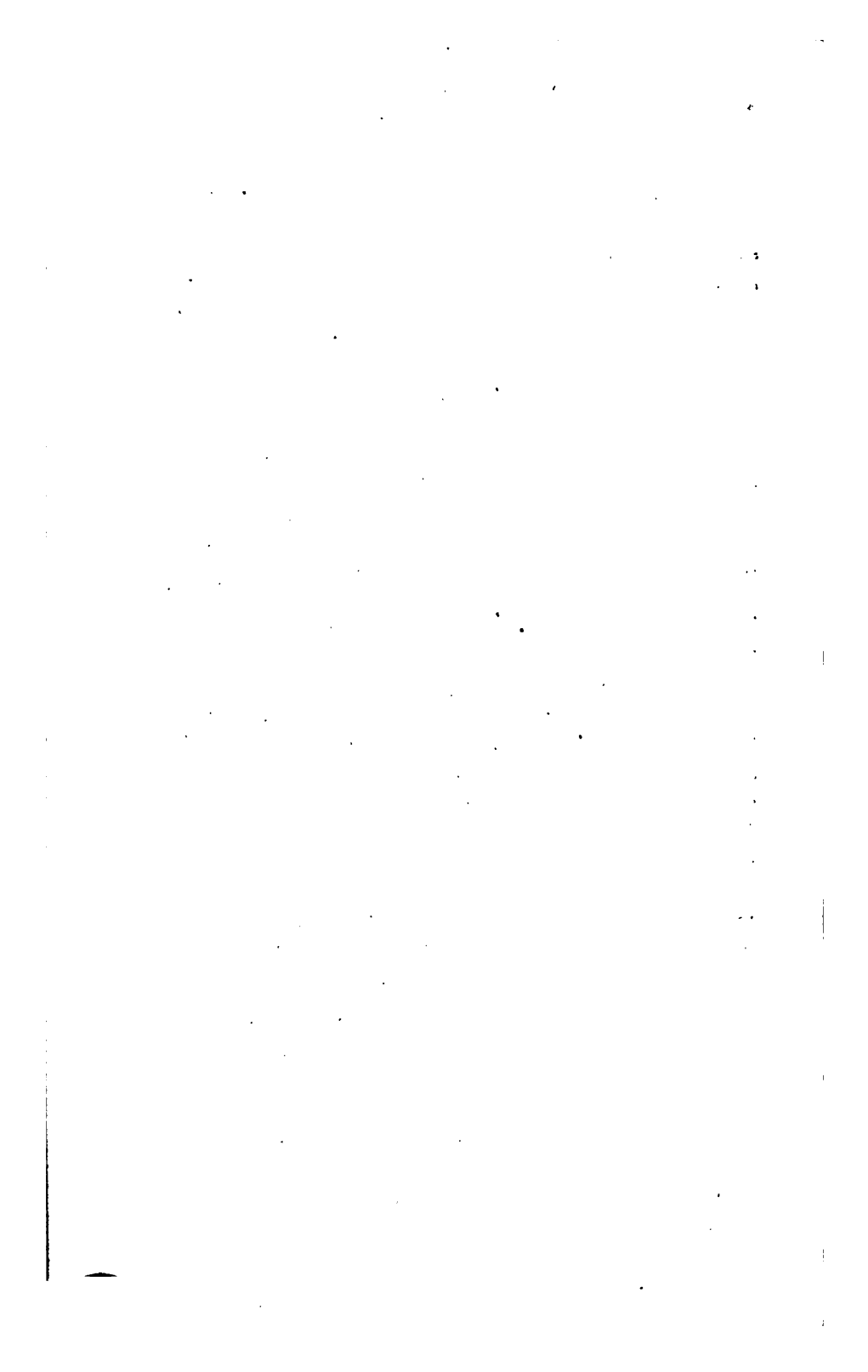
Remaining provisions of the constitution, embracing the Legislative department, the clause referring to county government, and other existing constitutional enactments, will doubtless require modification or change. The great error in the present constitution exists in the detail which has been incorporated in it. In a new country—in

an increasing and changing state, advancing from the first stages of settlement to a constant and higher advancement in resources, in wealth, in population, in prosperity, in agricultural, manufacturing and commercial fame, it would seem to be at least impracticable, if not a settled error of judgment, in respect to the future, to incorporate into the organic law those regulations or provisions which are subject to the law of progression, in all those great interests which pertain to the individual business of the citizen, and the collective efforts of the people in promotion of the general welfare. All such detail is the proper subject of legislation. To restore to the people through their representatives, assembled in Legislature, the right, the power, to regulate from time to time those details which more or less require change to suit the varying condition and circumstances of the times, is deemed by the committee an important object of accomplishment, and they will submit further propositions in this respect.

These propositions do not embrace all the amendments which seem to be required, but in adopting or changing the permanent law, the committee are governed by the maxim that changes only should be made upon sound, well-digested and necessary consideration of their importance to meet the requirements of an enlightened people. As a general thing, stability and permanency in the frame work of our government, and as far as possible in the laws, are most desirable; and the committee have only had sufficient time to deliberate in relation to those subjects which have appeared to be most important in protecting the State and its citizens from the necessity of being subjected to change and confusion by constant and repeated discussion hereafter, in relation to the fundamental law.

E. J. ROBERTS,  
N. G. ISBELL,  
JOHN BARBER,  
ANDREW HARVIE,  
PHILOTUS HAYDEN,

*Committee.*





[No. 17.]

**PETITION** of R. W. Smith and 23 others, relative to New Buffalo and the Central Rail Road.

*To the Senators and Representatives of the State of Michigan:*

**GENTLEMEN**—We, the undersigned citizens of New Buffalo and vicinity, having our whole interest at stake on the final determination of the Michigan Central Rail Road, as it regards the two places of which they will make the point of the embarkation to and from Lake Michigan; and believing that the Legislature has not entirely surrendered their whole control over the matter, and that the interest of the State is involved in their final decision, would respectfully call your attention to the following facts and considerations:

It is a well known fact to you, gentlemen, and to the rail road company that the people believed that one of the main conditions of the sale of the Central road was, that it touch some point on Lake Michigan within the State, where steamboats and other water craft could enter and lie in safety; and if the company chose to touch that point where Nature was not prepared to receive them, then they were to make an artificial harbor that would answer all the purposes. This we consider to be the construction of the contract, both express and implied; and if this is not the true construction of the original contract, then the people have been egregiously defrauded, both by their representatives and by the rail road company. For neither have taken any pains to disabuse the public in this matter.

We believe that, notwithstanding the apparent solicitude of the company, (by their att'y,) for the interest of the State, that such a thing, if it ever crosses their mind at all, is of secondary consideration, and only peeps into their deliberations when they have a petition to write and some favors to ask. This we believe to be too plainly shown by the policy of the company, and more particularly by the attorney himself, in his remonstrance to the Legislature as contained

in the daily Tribune of March 13th. He tells you there plainly, that the main point of the road touching Lake Michigan this side of Chicago, will be Michigan City, in the State of Indiana, five miles west the line of that State for which he professes so much interest. Buffalo seems to be a region entirely unknown to him. It seems that he is not aware that the rail road touches any other spot on the lake but Michigan City. He strides up to that point as though his petition was addressed to the burghers of that town, rather than the Hon. Legislature of Michigan. That the company must have a double share of impudence and assurance to call upon your honorable body for favors, after having disappointed your constituents of their fairest expectations; and, what makes it doubly insulting, they tell you to your face that their interest lies in Indiana, and their honor lies with the rest of their moral qualities, among the things that never were. That the Michigan Central Rail Road, by false pretences and other means dishonorable to a blackleg, encouraged many to settle the township of New Buffalo, and by the same means obtained the right of way for half the sum that would otherwise have been asked. In order to deceive the people more effectually, they made great preparations for building and other improvements, as if they intended to make this a point of some consequence; and as soon as their aim was accomplished, threw together a few old sheds, and commenced building at Michigan City, on a scale of magnificence equal to any on the line.

That their pretended regard for the interests of the State is all sheer hypocrisy and shallow pretence. That in their whole dealings with the State, both individually and collectively, they have pursued the steady course of petty maneuvering and machiavelian policy to enhance their profits and to shirk off responsibilities. They have made use of the lowest kind of intrigue and base diplomacy to accomplish their purposes; never facing, like men, the business themselves, but making use of some one along the lines, whom they could strike with place and flattery, as tools to fugle with them, is the manner in which they have defrauded the people and bought up the right of way through this country, making great professions through their tools, and treating both these and the people with contempt, after their ends were served; and if in some instances they appear to ex-

hibit some traits of generosity, it is rendered doubly mean in the eye of the careful observer, who sees in the whole transaction a base object to a selfish end.

They will cavil for hours with the halt, the lame and the poverty-stricken wretch, for a few shillings of fare, but will stow their cars full of governors, representatives, delegates and other dignitaries, as free luggage, though paid by the State at the same time for traveling. They are as obsequious as a liveried footman to those they think command influence; but those who are so unfortunate as not to possess any, must expect to meet with the coarsest kind of incivility.

They have obstructed the navigation of our river and monopolized all access to the lake from our village, and have made their charges such for pierage, as to amount to prohibition, especially as to wood and lumber, our only articles of commerce. Not satisfied with working evil to our town, but the State generally, by extending the road to Michigan City, and other exactions and extortions, we learn that they are about to erect a place for the accommodation of the traveling public upon their pier, thereby working death to the prosperity of our village.

We would therefore most earnestly request and command you, our servants and representatives, to keep an eye watchful to the machinations of this company, and recommend to your honorable body the propriety of giving notice to the said company to desist from importuning the Legislature for favors, and of spending their money in giving free rides to influentials tending legislative sessions with their minions, to work corruption with our honorable representatives, giving oyster suppers and champagne parties to those in high places, which your petitioners consider tantamount to bribery, an insult to your honorable body, and tends to confirm in the minds of the people the gossip of the day, that "the Hon. the Legislature are no better than they should be."

That the said company be enjoined to faithfully and truthfully fulfill the conditions of their charter, by improving their pier, making it safe for landing at all times, as they can do very easily, or move their kannel of dogs that precludes access to the lake.

Tell them that their machiavelian policy has a tendency to injure those to whom the people have entrusted their affairs. Tell them to show a disposition to honorably fulfill their present obligations to the State, before they seek for favors at your hands. Tell them this, and you will retrieve in part what you have almost entirely lost, viz: the respect and confidence of the people.

NEW BUFFALO, 1851.

R. W. Smith,  
D. H. Topping,  
Wm. A. J. Topping,  
Thornton Ewan,  
D. Birdsall,  
Henry Balch,  
J. Hixon,  
E. B. Pressy,  
David Pierce,  
Dwight Plimpton,  
Volney Satterlee,

Simeon Pierce,  
A. M. Brownell,  
J. C. Easton,  
Philip Dean,  
D. McKynser,  
Daniel Fry,  
Rufus Pierce,  
D. M. Hunt,  
John Sheridan,  
Thomas Maudlin,  
Eli Stanfield,

[ No. 1. ]

**REPORT of the Committee of Ways and Means, relative to the compensation of Members and Officers of the Legislature.**

The committee of ways and means, to whom was referred Senate amendment to House bill to provide for the payment of members and officers of the Legislature, have had the same under consideration, and instructed me to report the same to the House, and recommend the following action of the House thereon:—

1st. Concur in the 1st, 3d and 4th sections of said Senate amendment.

2d. Strike out section 2 of said Senate amendment, and insert :

“The compensation of the President and members of the Senate, and of the Speaker and other members of the House of Representatives, shall be three dollars per day for actual attendance, and when absent on account of sickness, for the first sixty days of the session, (and nothing thereafter;) and ten cents for every mile actually traveled in going to and returning from the place of meeting. Each member of the Senate and of the House of Representatives shall also be entitled to receive five dollars for newspapers and stationery.

“The compensation of the Secretary, Engrossing and Enrolling Clerks and Sergeant-at-arms of the Senate, and of the Clerk, Engrossing and Enrolling Clerks and Sergeant-at-arms of the House of Representatives, and of the Clerks employed, with the consent of either Senate or House of Representatives, by any of the standing or special committees of either of said Houses, shall be three dollars per day for actual attendance during the session.

“The compensation of the Fireman of the Senate and of the House of Representatives, shall be two dollars per day for actual attendance during the session.

"The compensation of the Messengers of the Senate and of the House of Representatives, shall be one dollar per day for actual attendance during the session."

In presenting to the House the above amendment for its adoption, your committee have endeavored to adhere strictly to the provisions of the revised constitution. The 15th section of the 4th article so explicitly defines the compensation of members of the Legislature, as to leave no room for a difference of opinion on that subject. Your committee, therefore, thought it advisable to state the *per diem*, mileage and stationery allowance definitely.

The 17th section of the 4th article of the revised constitution, provides that "the President of the Senate and the Speaker of the House of Representatives, shall be entitled to the same *per diem* compensation and mileage as members of the Legislature, and no more." This provision, in the opinion of the committee, fixes the compensation of the Speaker of the House of Representatives as clearly as the 15th section does that of members of the Legislature; and would also fix the compensation of the President of the Senate with equal clearness, were it not for its possible, though accidental, modification by the 20th section, of the schedule, which provides that "the salary or compensation of all persons holding office under the present (old) constitution, shall continue to be the same as now (August 15th, 1850) provided by law, until superceded by their successors, elected or appointed under this constitution; and it shall not be lawful hereafter for the Legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed."

The Legislatures of 1847, '48, '49 and '50, each of them, provided by law for the payment of their respective officers and members. The laws enacted for that purpose, contain no provision repealing preceding laws, nor, in fact, do they contain any allusion to preceding laws; but seem to have been considered as merely providing for the payment of the officers and members of the Legislature passing them. Nor do they, in fact, contain any provision for the payment of the President of the Senate; but permit him to seek his compensation under the provisions of the 19th section of the 5th article of the constitution of 1835, which provides, "the Lieutenant Govern-

House Bill No. 1.

er, except when acting as Governor, and the President of the Senate *pro tempore*, shall each receive the same compensation as shall be allowed to the Speaker of the House of Representatives."

It should here be borne in mind that the constitution of 1835 makes no provision for the extra compensation of the Speaker of the House; but permits him to receive such extra compensation as the respective Legislatures may allow; or as the same Legislatures might allow at their respective sessions, should they hold more than one; and provides that "the President of the Senate shall receive the same compensation as shall be allowed the Speaker of the House,"—evidently meaning, in the opinion of your committee, such compensation as shall, for the time being, be allowed by the respective Legislatures, or by any one Legislature at its respective sessions.

Your committee are of opinion that this 19th section of the constitution of 1835, was all the law in force, at the time of signing the revised constitution, which in any way provided for the compensation of the President of the Senate. That the 20th section of the schedule continues said 19th section of constitution of 1835 in force until the President of the Senate shall be superceded by a successor, elected under this constitution. That, as said 19th section provides that the Lieutenant Governor shall, except when acting as Governor, receive the same compensation as shall be allowed the Speaker of the House; that, as the 17th section of the 4th article of the revised constitution provides that the Speaker of the House of Representatives shall be entitled to the same *per diem* compensation and mileage as members of the Legislature, and no more; and, as the 15th section of the 4th article of the revised constitution provides that the compensation of members of the Legislature shall be three dollars per day for actual attendance, and ten cents for every mile actually travelled in going to and returning from the place of meeting, more than three dollars per day and ten cents per mile, could not be paid the President of the Senate, without a violation of the constitution; and that, therefore, it is the duty of the Legislature to state the compensation of the President of the Senate specifically in this bill, and thereby discourage any attempt, by a "restrained" construction of the constitution, to obtain for that officer, however meritorious he may

House Doc. No. 1.

be, the extravagant compensation paid to the President of the Senate under the old constitution.

Your committee have recommended one dollar per day for the Messengers of either House—not only from a conviction that th amount is an ample compensation for the service, but that any amount of faithful service can be obtained for that compensation—and that, therefore, the one dollar and fifty cents per day, provided in the Senate amendment, would be an unjustifiable expenditure of the public money.

CALVIN BRITAIN, Chairman.



[No. 2.]

**RESOLUTIONS** adopted by the Board of Supervisors of the county of Kent, requesting that the Select Committee on the Grand Rapids Canal shall visit and personally examine the said canal.

*Whereas*, The time limited by law for the completion of the canal and locks around the rapids of Grand River at Grand Rapids, has expired, and said canal is not completed;

*And whereas*, It satisfactorily appearing to this board that a greater part of the donation of land made by the Legislature of this State for the purpose of constructing the same, has been absorbed without a corresponding progress of the public work;

*And whereas*, The honorable the House of Representatives of this State, now in session, have constituted a committee of their body to investigate the management of the business connected with the construction of said canal, and the cause or causes of the failure to complete the same;

*And whereas*, This board being desirous that such investigation should be conducted in the most searching and thorough manner, so that the real cause or causes of the failure to complete the same shall be ascertained and fully understood, in order that all reproach or blame therefor, if any, may attach where it properly belongs;

*And whereas*, This board being aware that such investigation, by said committee at the seat of Government, must necessarily, from its remoteness from the scene of the transactions, and from the residence of most persons supposed to have knowledge of the facts connected therewith, be incomplete and inconclusive; therefore, be it

*Resolved*, (unanimously,) That the said committee be requested by this board to visit the city of Grand Rapids, for the purpose of conducting such investigation; this board being of opinion that the facts necessary to enable such committee to arrive at a just conclusion in the premises, are easier of access at this place than at any other point.

*State of Michigan, Kent County, ss.*

I, Reuben H. Smith, clerk of said county of Kent, do hereby certify that the within is a true copy of an original resolution adopted by the board of supervisors of said county, this 25th day of February, A. D. 1851.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the Circuit Court for the county of Kent,  
[L. S.] at the city of Grand Rapids, this 25th day of February, A. D. 1851.

REUBEN H. SMITH.

[ No. 3. ]

**MEMORIAL** of S. O. Kingsbury and others, securities on the bond given by Jas. Davis, contractor for the construction of Grand Rapids canal, to the State, asking for certain legislation thereon.

*To the Hon. the Legislature of the State of Michigan:*

Your petitioners, whose names are hereunto subscribed, would respectfully represent that under and by virtue of act No. 36 of the session laws of 1850, the commissioners therein referred to did, in accordance with the requirements of section five of said act, extend the contract before that time entered into, between the commissioners and one James Davis, for the construction of a canal and locks around the rapids of Grand River at Grand Rapids, and the dam connected therewith; which contract had at the passage of said act No. 36 become void and nugatory, by reason of its provisions requiring said Davis to fulfil the same and complete the work contemplated by its provisions by the first day of December, A. D. 1849. That, by the provisions of said act No. 36, (which was approved on the 20th day of February, A. D. 1850,) said Davis was authorized and empowered to go on and fulfil and perform the conditions of said contract by the 20th day of February, A. D. 1851, by complying with such alterations and requirements in relation to said canal, locks and dam, as the said commissioners deemed it proper to impose. That said Davis, as by said act required, within sixty days from the passage thereof, did renew his said contract according to the provisions of said act, and in a manner satisfactory to said commissioners. That, in order to enable said Davis to comply with the provisions of said act, your petitioners, with said Davis, as his sureties, in April last entered into a bond to the said commissioners, in the penal sum of twenty thousand dollars, conditioned for the performance by the said Davis of the aforesaid renewed and altered contract.

Your petitioners would further represent, that since they became sureties of said Davis, and entered with him into the bond as aforesaid, no work has been done on the said canal, locks and dam; that he, said Davis, soon after the execution thereof, did entirely abandon said work, and ceased any attempt to comply, on his part, with the terms of said contract, so renewed and ratified, and publicly declared and stated his inability to complete the said dam, canal and locks under the same.

Your petitioners would further represent that the *right of way* across the lands over which said canal passes and is intended to pass, and the right of abatement for said dam, have not been secured to the State, as was required by law; and that, should your petitioners attempt to go on with said work, in order to relieve themselves from any liability arising from a breach of the conditions of the aforesaid bond, they would at once involve themselves in expensive litigation with individuals owning or interested in lands affected by the progress of such work, and who have executed no releases of way, or who have affixed such conditions to their releases that no right now accrues to protect your petitioners, should they proceed to complete the work.

Your petitioners would further represent, that the said James Davis, pending the period that, by the terms of his said contract, (prior to the provisions of said act No. 36 becoming operative in his favor,) the same had become forfeited and of no avail in his behalf, viz: after the first day of December, A. D. 1849, and before the execution of the bond aforesaid, wherein your petitioners became his sureties, was allowed and permitted to draw from the land office lands and warrants to the amount of fourteen hundred dollars, or upwards.

That since the passage of said act No. 36, no estimates of amount of work done, or materials furnished in the progress of said work, have been made by the engineer mentioned in said act, countersigned by said commissioners or otherwise; but that, notwithstanding no such estimates have been made, the said Davis, and other persons acting on his orders, have been permitted and allowed to draw from the land office lands and warrants to the amount of five thousand two hundred and ninety dollars and seventy-six cents, or upwards.

Your petitioners further represent, that a careful and full investigation of all the facts and statistics relating to the whole matter of

their memorial, would show that if the said James Davis had not been permitted and allowed to draw any more lands and warrants than he was legally entitled to draw under and by virtue of the law and estimates made, there would now remain of lands and warrants, subject to be applied to completion of said canal, dam and locks, computed at one dollar and twenty-five cents per acre, the sum of fifteen thousand one hundred and eighty-four dollars and sixty-one cents, or upwards.

Your petitioners, in view of the premises and of the facts relating to the matter of the construction of the canal, locks and dam aforesaid, from its start to the present time, considering themselves unjustly and wrongfully aggrieved by the many illegal and unauthorized proceedings which mark the history of nearly every step of the matter, whereby the lands, which should now be under the control of the State, applicable to the completion of the work aforesaid, have been very greatly diminished, and the liability of your petitioners upon the said bond unjustly increased, do respectfully ask from your honorable body relief in the premises, as follows:

1. That the time for the construction of said canal, locks and dam, may be extended two years.

2. That the right of way across the lands over which said canal passes and must (if ever completed) pass, and the right of abatement for said dam, may be secured to the State as fully and amply as the laws, authorizing and regulating the construction of said canal, require and contemplate that said right of way should have been secured before any contract in reference to the construction of the same was made.

3. That so much of the appropriation for the construction of said canal, locks and dam, as has been illegally obtained from the State, may be made good to your petitioners, upon condition that they complete the work in the manner required by the contract of James Davis, above alluded to, executed under and by virtue of act No. 36 of session laws of 1850; (your petitioners considering that not to exceed one-half of the necessary labor and expense to complete the work has been met by said James Davis.)

4. That a law may be passed authorizing your petitioners to draw lands upon the same terms that the said James Davis would have

drawn had he complied with his contract, upon condition that your petitioners go on and complete said canal, locks and dam, as required by the contract aforesaid.

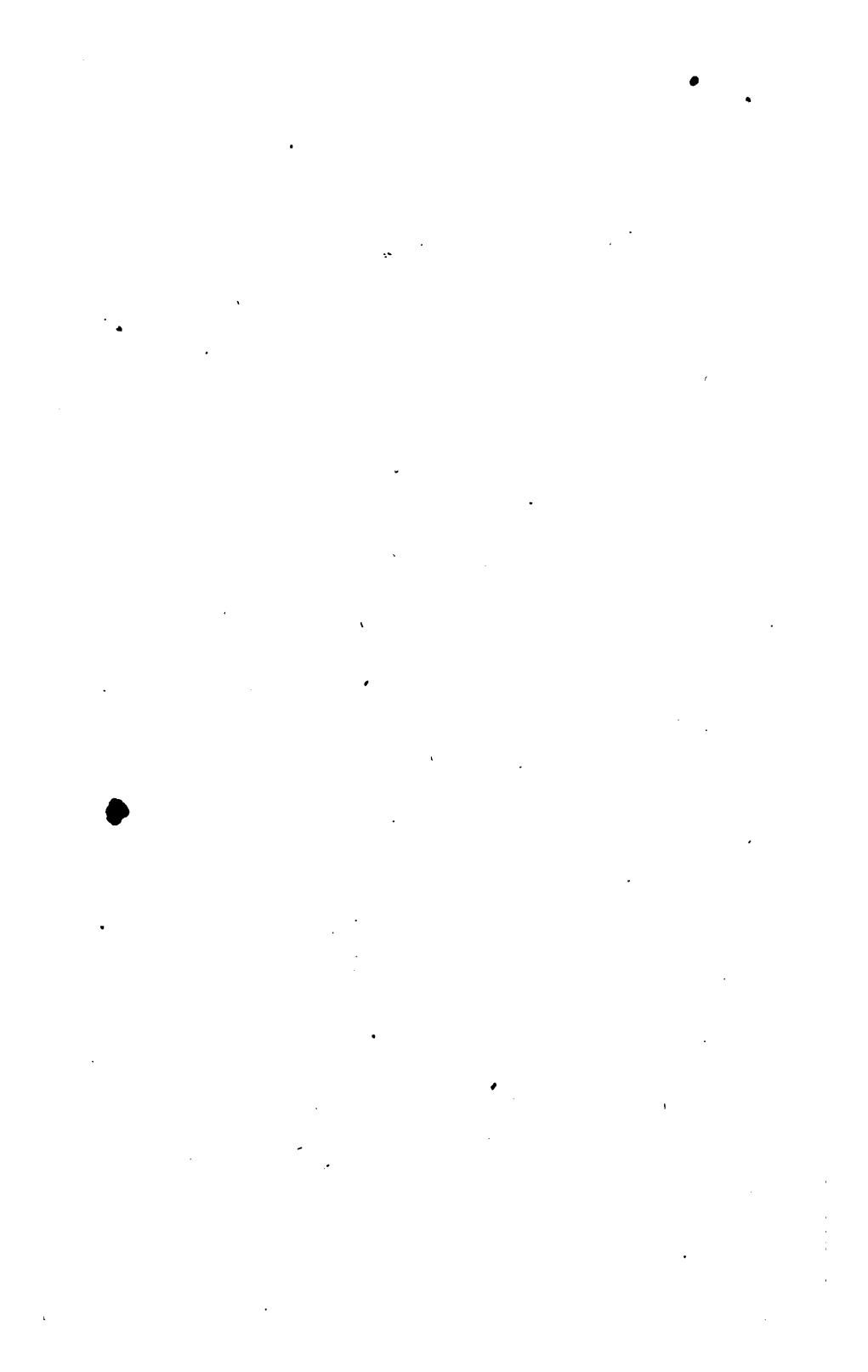
In case relief in the particulars aforesaid is granted to your petitioners, so that they may be placed in the same condition they would be in had the laws relating to said canal, locks and dam been faithfully carried out; your petitioners, in such case, would and do propose to go on and complete said work as required by the aforesaid contract with said James Davis, within two years from the first day of February, 1851.

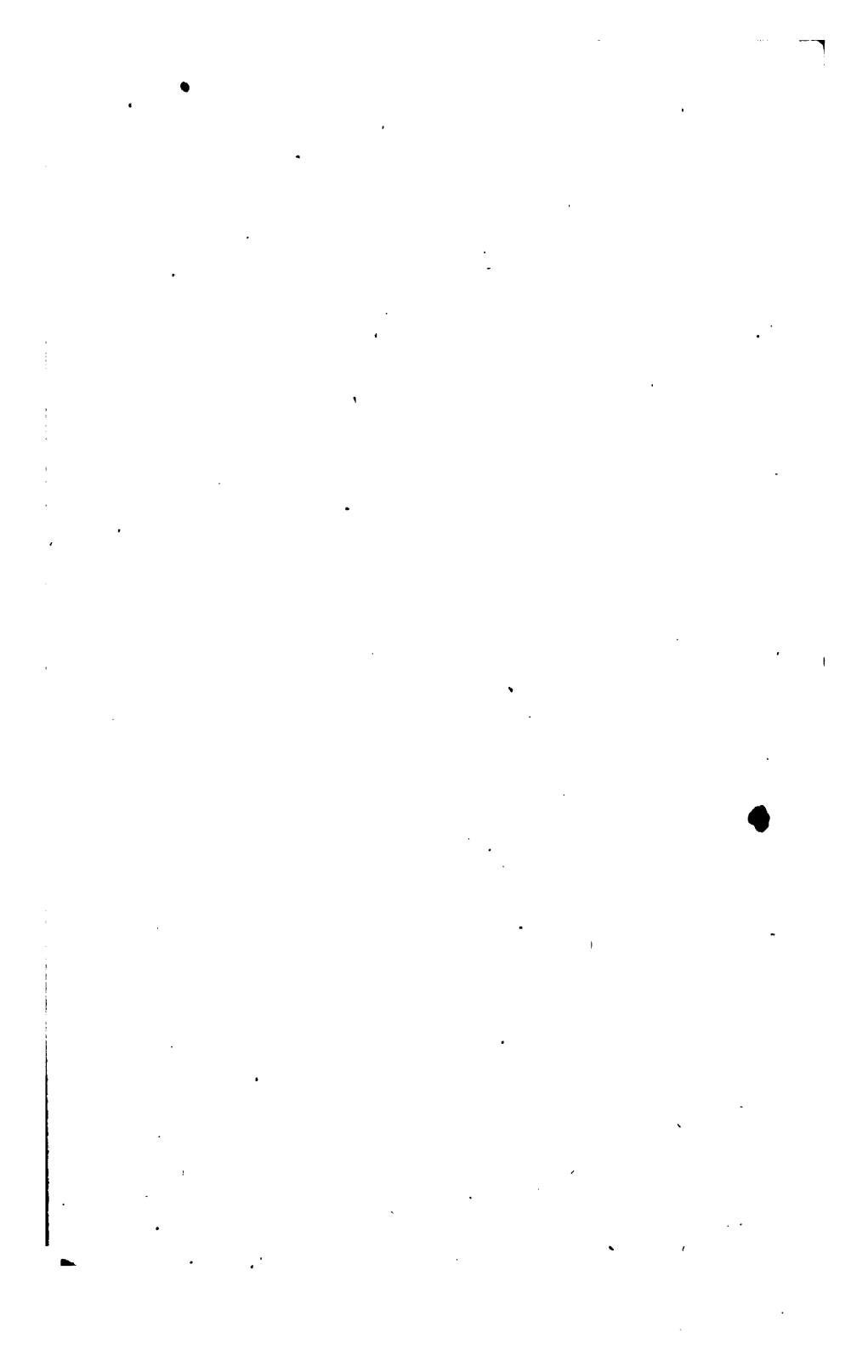
And your petitioners further ask, that if relief cannot be granted them as above prayed, they may be discharged from all liabilities as sureties of the said James Davis upon the bond aforesaid.

And your petitioners, as in duty bound, will ever pray.

Dated Grand Rapids, Feb. 24, 1851.

S. O. KINGSBURY,  
W. D. FOSTER,  
JOHN M. FOX,  
AMOS ROBERTS,  
WM. HALDANE,  
Z. G. WINSOR,  
JOHN BALL.







[No. 4.]

COMMUNICATION from the Attorney General, relative to the  
compensation of Members and Officers of the Legislature.

OFFICE OF THE ATTORNEY GENERAL, }  
Lansing, February 24, 1851. }

*To the Hon. the House of Representatives:*

I have received from the Clerk of the House of Representatives, a resolution, requesting the Attorney General to give a construction to the revised constitution, relative to the compensation of the officers and members of the present Legislature.

By the provisions contained in section fifteen of the fourth article of the constitution, the compensation of members is fixed at three dollars a day for actual attendance, for the first sixty days of the session of the year one thousand eight hundred and fifty-one, and for the first forty days of every subsequent session, and nothing thereafter. It is also provided in the same section, that they shall be entitled to ten cents and no more for every mile actually traveled, going and to returning from the place of meeting, on the usually traveled route.

There can be no doubt, that the general law providing for the payment of the officers and members of Legislatures, approved January 16, 1850, is repugnant to these provisions, so far as it relates to the *per diem* allowance of members. The members of the present Legislature, it will be seen at a glance, are, in direct terms, embraced in the first clause of the constitutional provision. The subsequent clause, regulating the mileage of members, is no less unequivocally expressed. They shall be entitled to ten cents and no more for every mile actually traveled. This refers as pointedly to the Legislature of eighteen hundred and fifty-one, as the preceding clause. Both provisions, are, in fact, too plain to leave room for any other construction, than that the compensation of the members of this Legislature, is fixed by the constitution, at three dollars a day for atten-

dance, and ten cents for every mile actually traveled, in going to and returning from, the place of meeting.

The seventeenth section of the article provides, that the President of the Senate, and the Speaker of the House of Representatives, shall be entitled to the same *per diem* compensation and mileage, as members of the Legislature, and no more. The only question arising in the construction of this provision, which I shall consider, is, whether the Speaker of the House of Representatives, is entitled to a *per diem* allowance as Speaker, independently of his pay as member. The language of the section is not so explicit as to relieve it from doubt; nevertheless I am inclined to the opinion, that it was intended to place the Speaker upon the same footing with the other members of the Legislature. The provision must have been adopted with reference to the custom that has heretofore prevailed in the election of Speakers. It has been the uniform practice of the popular branch of every Legislature, since the organization of the government, to select the Speaker from among the members. Such too has been the practice in other States. The contingency which might lead to a different practice, does not appear to have occurred to the Convention, for no reference is made to it. The provision should, therefore, be construed in view of the prevailing custom. A strict literal construction, then, would give to the Speaker twice the pay of a member; that is, three dollars a day as Speaker, and three dollars a day as member of the House. Nor is this all. He would in like manner be entitled to ten cents mileage as Speaker, and a similar allowance as member. The provision making an allowance for mileage, cannot be regarded in the light of compensation for services. The real object of such appropriation is, to defray the traveling expenses actually and necessarily incurred by members. The Speaker however would be as clearly entitled to constructive mileage, as to the *per diem* allowance. Another inconsistency, equally striking, would also be involved in a literal construction of the provision. It would create an inequality in the compensation of the Speaker of the House, and the President of the Senate. Should the provision be construed to give the Speaker three dollars a day, exclusive of his pay as member of the House, by the same construction, the President of the Senate would only receive three dollars per day, or the

compensation of a member. An inequality like this in the compensation of officers whose duties are so nearly identical, could not have been intended. These inconsistencies, flowing from a literal construction, are too palpable to escape attention. Their consideration will tend to remove whatever there may be of doubtful import, in the language of the section. In view of them, I feel compelled to adopt a construction which will give to the Speaker the same compensation he would have been entitled to, had he not been elected to that office.

The compensation of the President of the Senate will depend upon the construction to be given to section twenty of the Schedule, which provides that the salary or compensation of all persons holding office under the former constitution, should continue to be the same as then provided by law. I forbear, however, to express an opinion as to the effect of this provision, for reasons which will readily occur to the House.

WILLIAM HALE,  
*Attorney General.*



[ No. 5. ]

REPORT of the Committee on Agriculture and Manufactures.

The committee on Agriculture and Manufactures would respectfully ask leave to submit the following report:

The strength of a great nation is intimately connected with the success of its agriculture, the prosperity of its commerce, and the flourishing condition of its manufactures.

If a State abandons commerce and manufactures, and attaches itself entirely to agriculture, it will revert to a state of pastoral rudeness and poverty. Should it, on the other hand, neglect agriculture and manufactures, and attend to nothing but commerce, it would become the mercenary servant of other nations, waiting upon their convenience, and subsisting by their smiles. In like manner, could we suppose a people so beside themselves, as to forsake commerce and agriculture, for the purpose of applying themselves solely to manufactures, we might expect to become acquainted with a miserable community, devoid of mental energy and laudable enterprise. By a combination, however, of these three branches of human enterprise and pursuit, of these elements of national strength, that political solidity and power is to be attained, which constitutes one of the firmest bulwarks of national independence. In a nation where these great departments of human industry are properly encouraged, the investigating mind of man finds continual employment, and the new and various scenes of enterprise which present themselves on every side, excite and give vigor to the human understanding.

In such a country, the greatest possible degree of productive industry is elicited from the inhabitants, and the division of labor, while it adds dispatch to execution, imparts perfection to the arts. Replete with all the comforts, conveniences and luxuries of life, the price of everything in the nation becomes moderate and cheap; and

if it were otherwise, it would be of no consequence; since, where everything abounds, the exchangeable value of commodities can be of less importance. In a State thus situated, the citizens would neither require foreign credit nor foreign capital for the prosecution of their schemes of business; for the well directed industry of the people, which is the mother of wealth, would furnish all the materials for the exercise of enterprize. Such a State or nation, would present a parallel to the Roman Empire in the age of the Antonies, abounding in strength and magnificence. But the workings of the human imagination may outrun the progress of nations, and before prophecies of greatness can be fulfilled, numerous points of interests and prejudice must be worn away by time.

The agriculturalist may feel a degree of reluctance in contributing to support and protect commerce; the merchant may esteem commerce the paramount interest of the State or nation, and think that agriculture and manufactures ought to yield and accommodate themselves to his views and designs; in like manner, the manufacturer may attach too much importance to his particular pursuits, honestly believing that his own interests coincide in a particular manner with the great interests of his country. Good sense and experience will at length amalgamate these jarring opinions, and it will be perceived in the end, that public and private interests of a State or nation, depend upon the prosperity of its agriculture, commerce and manufactures. And happy will it be for the people of that country, who, foreseeing the destinies which await them, anticipate their arrival, by generous concessions of interests, and liberal relinquishments of partialities.

In the United States, concessions and relinquishments of this kind may be expected from the generous and liberal of every description of citizens; for nothing could be more dangerous to the vital interests of the country than dispositions of a sectional and selfish character. The success of our commerce has not alone resulted from the intelligence and enterprize of those who have been concerned in it; but it is to be attributed, in a very considerable degree, to the wise provisions of government in its favor, and the liberal appropriations, which have at no time been withheld, for its maintenance and defence. The discriminating duties upon foreign tonnage, and the merchan-

dise imported in foreign vessels, have given our merchants the ascendancy in the markets of the country at large. A selfish and narrow disposition on the part of the agriculturalist, might prompt him to complain of privileges thus bestowed, through an enlightened policy, upon the merchant. And confined in his own views by the limits of his own interests, he might express a desire that discriminating duties, so favorable to American merchants and commercial men, might be abolished. On the score, therefore, of equal rights, all are entitled to equal protection; and seeing this to be the case, each interest ought cheerfully to contribute to the support of the others, and thus co-operate to advance the general welfare. And even though an extraordinary effort should be necessary for a time to sustain any branch of domestic industry of the country, let it be remembered that the private sacrifices which may be incident to such an effort, are to advance the permanent interests of the country; and that, though some channels of enterprise may be narrowed, others will be widened, and new ones eventually be opened, and the general good sustained. As commerce and manufactures have received liberal aid from the general government, and which has tended greatly to their advancement, it is no more than equal justice that the State government should encourage agriculture, as far as in their power lies.

The great objects to be attained by agriculture are numerous, one or more of which may be considered. In Great Britain, the greatest portion of the lands are owned by the king and chief nobility, and mediately or immediately let out to the farmers of the country, who are generally tenants, who have been in the main deprived of the elective franchise. This indeed to the people of this country would seem a hardship; and if it is so in Great Britain, it is one founded in the feudal nature and aristocratic principles of the British constitution. The chief nobility of Great Britain constitute a co-ordinate branch of the British Parliament, and inherit their rights from their ancestors; but their birth right alone, without property, would be a vain pageant; and it is necessary therefore that they should have an actual influence corresponding with their high titles. This influence is derived from the great landed estates which they possess and farm out to their retainers and tenants. Should these lands ever be divi-

and into five simple estates among the great mass of the people, the balance of the British constitution would be in a great measure destroyed.

As our civil constitutions, however, rest upon different principles, so a different distribution of property takes place among us.

Here the real estate of a deceased person is, in general, equally divided among all his children, male and female; whereas, there, all the landed property descends to the eldest male heir, with the exception of some tenures of a particular kind. The policy there, is to tie up as far as possible, the lands in the hands of the aristocracy; while here, the object is to divide them among the great body of the people. As long as the landed estates of this country are partitioned out among the great body of the people, who find an interest in cultivating them, we need not be apprehensive of the introduction of any order of nobility among us; for with truth it may be affirmed that small farms and independent land holders constitute the surest basis of a Republican State. The Romans, during the time of the commonwealth, were so sensible of the importance of a general partition of the lands among the people, that about two hundred and fifty years before the end of the second Punic war, they determined by law not to allow any individual to be the owner of more than five hundred acres of land.

But this law having been grossly violated, almost all the lands, in the time of Tiberius Grachus, were found to be in the hands of the patricians or their trustees; and Italy was cultivated for them by barbarians, to the exclusion of the free citizens of Rome. It was in this state of things, resulting undoubtedly from a variety of accidents and causes that Tiberius Grachus proposed the renewal of the Agrarian law, under the pretext of bringing about the former division of lands among the people.

This proposal, although calculated to coincide with the interests and republican notions of the Plebians, as they were called, met, as might have been expected, with great opposition from the Patricians. It was, indeed, a very violent measure, and came too late, as the basis of the republic was too completely overthrown to admit of any remedy. But be this as it may; certain it is that from this time the liberties of the Romans existed in form rather than in fact. And



while discussing this subject, it may not be out of place to cast a few reflections upon the history of our own times, when the paper money and speculating insanity pervaded the land; when the whole man was estimated by the number of acres of land he possessed, even in a wild and unproductive state. This fanatical mania, like the *ignis fatuus*, was the only light most prominent on the pinnacle of a delusive fame. But this idiotical phantom has had its day, and been numbered in that historical volume of visionary incidents of the things that were. This historical allusion serves to illustrate the importance of a general division of lands among a republican people, and fortifies the maxim, that small farms and independent landholders constitute the surest basis of a Republican State.

In this country, however, an Agrarian law would be deemed a wild and arbitrary restraint upon the freedom of alienation; and when our laws for the distribution of property among heirs, as well as those against perpetuities and entails, are considered sufficient, legal provisions may be thought already to exist for our protection against a landed aristocracy. But after all it may not be unwise, should our State governments endeavor to draw the habits and inclinations of the people in aid of the positive regulations providing for the diffusion of landed property, for the practical utility of our positive regulations must in a great degree depend upon these habits and inclinations.

The inducements which men have to purchase and cultivate lands, are in proportion to the advantages they anticipate from such undertakings; and whenever our citizens are convinced that a few acres of land well cultivated, will give to an individual and his family a decent and comfortable support, the fact will have the tendency to multiply purchasers, and to increase land-holders.

On the other hand, should a large proportion of land be thought barely sufficient to support a man and his family, people of small properties would rarely become purchasers, and the land would fall into the possession of rich owners, who could subsist on a revenue in ratio inverse to the extent of their estates. In proportion, however, as the art of tillage is improved, the secret will be discovered of maintaining large families upon small quantities of land, and hence the improvement of agriculture will have a direct tendency to multiply the cultivators of the soil, and thus to ensure a degree of equal-

ity in the possession of landed property, so essential to the preservation of our civil institutions. From this view of the subject, it results that a republican State, which encourages the extension and improvement of agriculture, is adding strength and stability to a vital principle of its existence, and legislating in conformity to that dictate of policy which renders it the duty of every sovereign State to concert measures for its present and future preservation. And it will not be denied that every sovereign State is under a like obligation to increase its riches and power by all justifiable means. The more any State abounds with vigorous inhabitants, and with the necessaries and conveniences of life, the greater is its capacity to defend itself against foreign aggressions, and to maintain its maritime rights.

Nothing, perhaps, has a tendency to increase a hardy and vigorous race of inhabitants, and supply a State abundantly with all the necessaries and comforts of life, more than a judicious and industrious cultivation of a fertile soil.

In proportion as agriculture is improved, a greater population can be supported on the same given space, and a larger surplus product realized. It is agriculture which is to supply the hands of manufacturers with materials, and their mouths with bread; and it is this which is to freight the ships of the merchant. And in proportion as the knowledge and practice of this important art progresses, a State will be able to maintain, when necessary, the multiplied millions who may rise up after us. "That the cultivation of the earth, as the primary and most certain source of national supply—as the immediate and chief source of subsistence to man—as the principal source of those materials which constitute the nutriment of other kinds of labor—as including a State most favorable to freedom and independence of the human mind—and one, perhaps, most conducive to the multiplication of the human species, has intrinsically a strong claim to pre-eminence over every other kind of industry."

But, although so many advantages seem to be the natural consequences of agriculture, the earth must be solicited by the hands of a skillful and judicious husbandman, before she will yield her increase. Agriculture is a scientific art; the practice of which is, of all others, the most conducive to human happiness, and is entitled, therefore, to

the aid and encouragement of every government which proposes to itself, as an end, the happiness of its citizens.

When the state of agriculture in this State is looked upon in its true light, and advanced through an enlightened policy, as it has already commenced, there is no one, however conscientious and scrutinizing, can set bounds to its usefulness. It overleaps and outruns the most sagacious investigation, in contributing the greatest good to the largest numbers.

The federal government, ever since it commenced its operations, has been continually consulting and protecting the interests of commerce. Our merchants have been encouraged, by the allowance of drawbacks, to import larger quantities of merchandize than our home demands required, that they might be enabled to derive a benefit from re-exportation. In addition to this, the government has indulged them with long and generous credits upon the duties payable upon their imported articles, by which they have derived all the benefits of a pecuniary loan from the national treasury; and above all, the nation has supplied them with a gallant navy to protect their enterprizes and to maintain the security and respectability of their flag.

In doing these things for commerce, the federal government has consulted the true interests and dignity of the nation. But although the national legislature has done so much for commerce and manufactures in the shape of pecuniary loans and protection, and also held out a liberal hand for the encouragement of schools and seminaries of learning, yet agriculture has been left to struggle alone, until recently there is an effort being made on the part of the general government to establish an agricultural bureau for the collection and dissemination of new varieties of seeds, with other useful objects, which will have the tendency to improve the condition of agriculture. The patent office, through the able and efficient manner in which it has been conducted, gives high evidence of its usefulness. But there are other things which Congress can do for agriculture of vast importance, by appropriating lands, which would hasten them into market and become taxable, much sooner than they otherwise would, in support of the government, and at the same time be of vast importance in the encouragement of this great branch of human industry. Again, it is very reasonable to suppose that every dollar ex-

pended by a government for the support and encouragement of agriculture, will be reimbursed a thousand times over in the increased productions of the soil.

Let us endeavor to illustrate this by supposing a case. Suppose the State of Michigan, for instance, should offer a premium of five hundred dollars to the individual within the State who should raise the most wheat off of five acres of land. It is believed that an offer of this kind would at least produce four hundred competitors for the prize, who would, of course, cultivate two thousand acres of land with wheat. The extra pains and attention which would be bestowed on these two thousand acres, would, it is fair to suppose, make them yield at least six bushels per acre more than an average of ordinary crops; and thus twelve thousand bushels of wheat extraordinary would be raised within the State. This, at one dollar a bushel, would be worth twelve thousand dollars. In like manner similar results might be expected from other crops, from similar excitements. And should the same system of laudable enterprise to excel, as that supposed, be adopted by all the States, it might be difficult to calculate the vast accession of national wealth which would be the result. But a bare increase of crops would be the least advantage which the country would derive from a judicious encouragement of agriculture; great improvements would be a consequence of them, the benefits of which would be lasting. Men would be led, step by step, to the discovery of those treasures which a skillful and industrious cultivation of the earth is capable of eliciting; and in a short time the fields of our highly favored peninsula might vie with the fairest portions of the globe, in the excellence of their culture and in the exuberance of their crops.

Upon the whole, it would seem that the path of duty, in respect to the encouragement of agriculture, was plain before the State Legislature; since the promotion of this interesting occupation has a tendency to preserve the basis of the government itself, while it adds to the number of the population, and to the strength and riches of the State. And we have a right to demand whether the true interests and ends of government and society have been answered.

Is not the historic page filled with the recitals of human carnage, desolation and selfish ambition? The ware pomp of the luxuries,

of life, military domination and despotism, have been almost the sole purposes aimed at by the governments of the world, in a greater or less degree.

The only legitimate purposes of government are the security and welfare of the governed. But how little have these been regarded? How often entirely overlooked? The recitals of bloody conquests and human slaughter, of wasted fields, of famishing millions, of sacked and burning cities and villages.

If the millions and millions of laboring hands, of sacrificed lives and hardly earned treasures, which have been worse than squandered upon these wicked objects, had been devoted to the subjugation and cultivation of the waste places of the earth; and instead of attempts to destroy society, had devoted itself to attempts to save life, and to the production of food and the multiplication of the comforts and innocent luxuries of mankind, how different would have been the result! France, on the verge of bankruptcy, burdened with excessive taxation, with an army of four hundred thousand men, has more than nineteen millions of acres of unoccupied land, all susceptible of cultivation, and of feeding and clothing millions! Does Great Britain furnish no parallel to this monstrous fact? With an increasing national debt, whose payment is perfectly hopeless; a weight of taxation, the subject of universal complaint; millions upon millions lavished upon her armies and navies; work-houses and prisons filled to repletion; thousands and hundreds of thousands upon the verge of starvation, has, in the two great islands, resplendent with the brightest lights of civilization, more than thirteen millions of acres of unoccupied land; and even her cultivated soil, with an improved agriculture, is capable of sustaining in plenty three times the number of those who draw nourishment from her breast. Are not these monstrous facts deeply distressing to philanthropy, deeply wounding to human pride? We may well ask what are the triumphs of civilization, when the most enlightened, civilized and polished nations that ever existed, have not accomplished more for the comfort and enjoyment of the human race. But it proves the adage true: "Without the right kind of intelligence, a people can neither know nor appreciate the benign influence of free institutions." If ignorance and consequent degradation characterizes the mass of a nation, the des-

potism of a tyrant, or the worse despotism of anarchy characterizes its government; all history, whether ancient or modern, affords abundant and satisfactory evidence of this.

In view of the enlightened policy now in progress throughout the world, to advance the enlightenment of the great mass of mankind, by the press, the general diffusion of knowledge in the arts and sciences; the rapid advancement of commerce, manufactures and agriculture, with all the denominations of human industry and enterprise operating harmoniously together to emancipate the world. These movements are high and sublime, and their progress onward. The renovating hand of wisdom is written on the wall in glowing characters, and cannot be mistaken; and eventually will uproot despotism and tyranny. As under despotic forms of government, the more ignorance the more peace; while, under republican forms, the more intelligence the stronger the foundations of the government. This principle of universal knowledge is being developed universally, from the *hamlet* to the *palace*, from the township organization to the Fair of the World. Man is being assimilated by the magic power which outruns even time itself, forming all the connections of brotherhood, from the isles of the sea to the ends of the earth, and by rapid movement rolling forward the millennial period, when "the swords shall be beat into plowshares, the spears into pruning hooks, and the nations of the earth shall learn war no more."

In view of the paramount interest of agriculture, the framers of the constitution, while they did not fail to provide for intellectual and scientific instruction, at the same time enjoined upon the legislature the duty of promoting agricultural improvement, and the establishment of an agricultural school.

Of the salt spring lands, the legislature is authorized to appropriate to this purpose twenty-two sections. But of these lands, less than fifteen sections remain unappropriated, exclusive of the twelve sections mentioned in another portion of the Governor's message. The appropriation, therefore, must be limited to the sections on hand, at least until the action of Congress be obtained for our claim for the remainder.

It will be seen by the Governor's message, that not to exceed fifteen sections of salt spring lands are yet unappropriated. The ques-

tion arises as to the utility of appropriating those lands for the encouragement of an agricultural schools. Appropriations for almost every other object of a public and local nature, except for the encouragement of agriculture, have been made in the shape of lands.

The message of the Governor very appropriately recommends the remaining portion of the unsold salt spring lands for this purpose, as above stated, for the organization of an agricultural school; and it is confidently believed that a school of this kind, embracing manual labor and the science of agriculture, may prove pre-eminently useful to our young and rising State; where whoever attends the same may be informed in the practice and theory of farming, by which all the faculties, physical and mental, may be developed by so dividing the time for labor, study and refreshment, that either may not prove wearisome, to any great degree, to body or mind. In this school, all the practical operations of the science should be carefully cultivated, and the improvements investigated and advanced by a well regulated system, according to the strict adherence of a wise economy. Schools of this description are yet in their infancy in this country. Even the principles of their establishment have not been found in our State Library; so that whatever may be done in regard to its formation will be left to the wise discretion of this legislature. Therefore, let our State set an example for this wise and beneficent purpose. This great principle has been recommended and warmly advocated by patriots and statesmen in almost every age of the world; and it is most surprising that so little has been done to accomplish this most desirable end.

A model farm put in operation, would, through the scientific and practical results, develop important information, which, undoubtedly, would prove invaluable to the best interests of the State at large. It is unquestionably true that a very great amount of labor saved in the cultivation of the earth is manifest in the knowledge and improvements which are and may be applied to this pursuit, thereby leaving more time for the cultivation of the mind. Hence the utility of an establishment for the experimental development of the improvements, in labor saving machines, and the wise adaptation of the various varieties of grains and grasses to appropriate soils, prepared and improved so as to obtain the largest amount of yield from a

given space of land, at the same time adding fertility to the soil. It appears self-evident that effects could not exist in the absence of causes to produce them. In view of this position, the chemical properties of animal and vegetable matter should be analyzed and reduced to the practical knowledge of the cultivator of the soil, the better enabling him to the performance of his vocation.

Section 11, article 13, of the constitution, provides that the Legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an agricultural school, and appropriate the unappropriated salt spring lands, or the money arising from the sale of the same, for such purposes; making it a branch of the University, and place the same under the supervision of the regents thereof, &c. Your committee would therefore recommend that the agricultural school should be attached to the Normal school, for the purpose of diffusing general information on agricultural science, as the scientific instruction from that institution can be obtained without much expense, providing that the funds of the two institutions shall be kept separate and distinct.

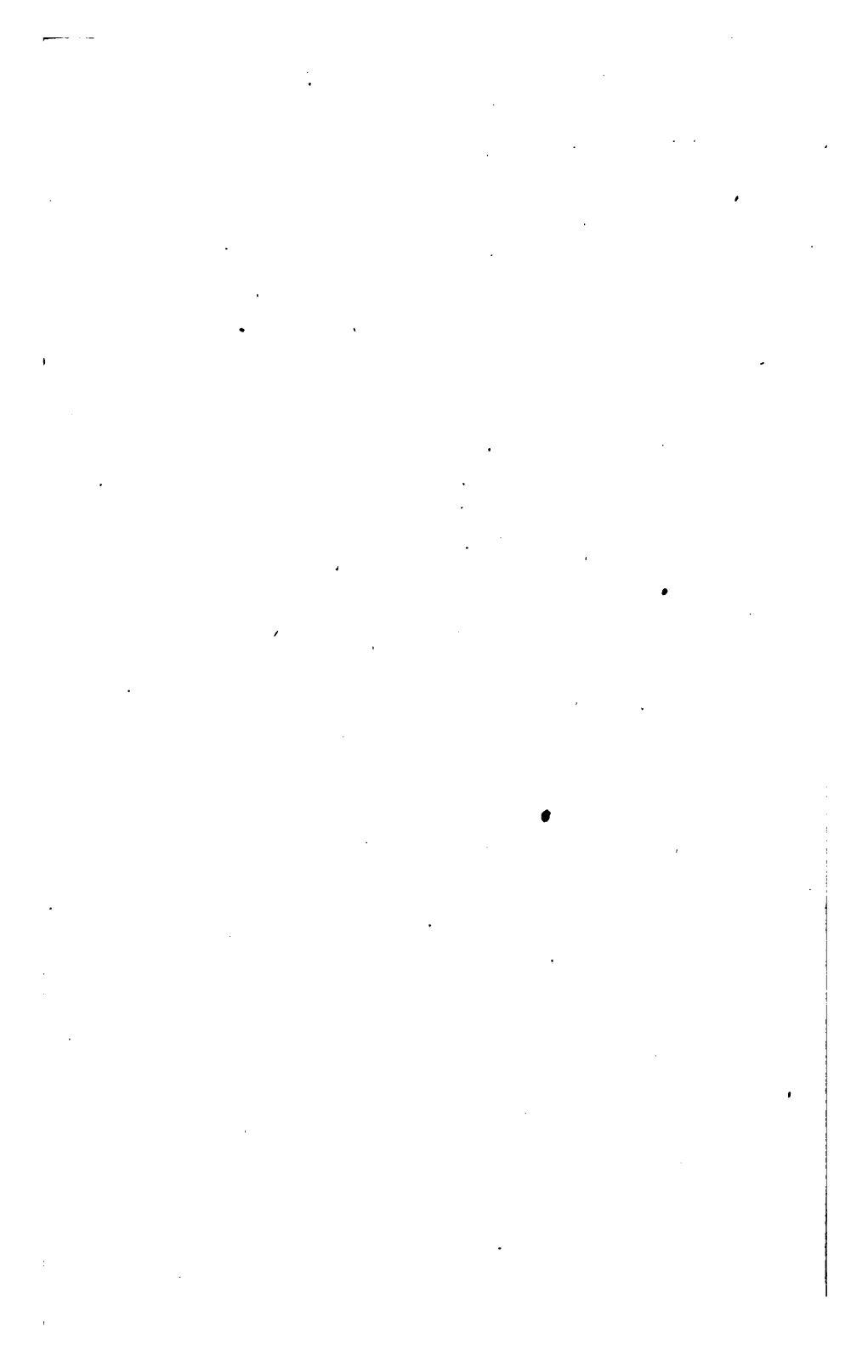
Accompanying this report, two bills are presented for the consideration of the Legislature; one for the promotion of agriculture, and the other for the organization of an agricultural school.

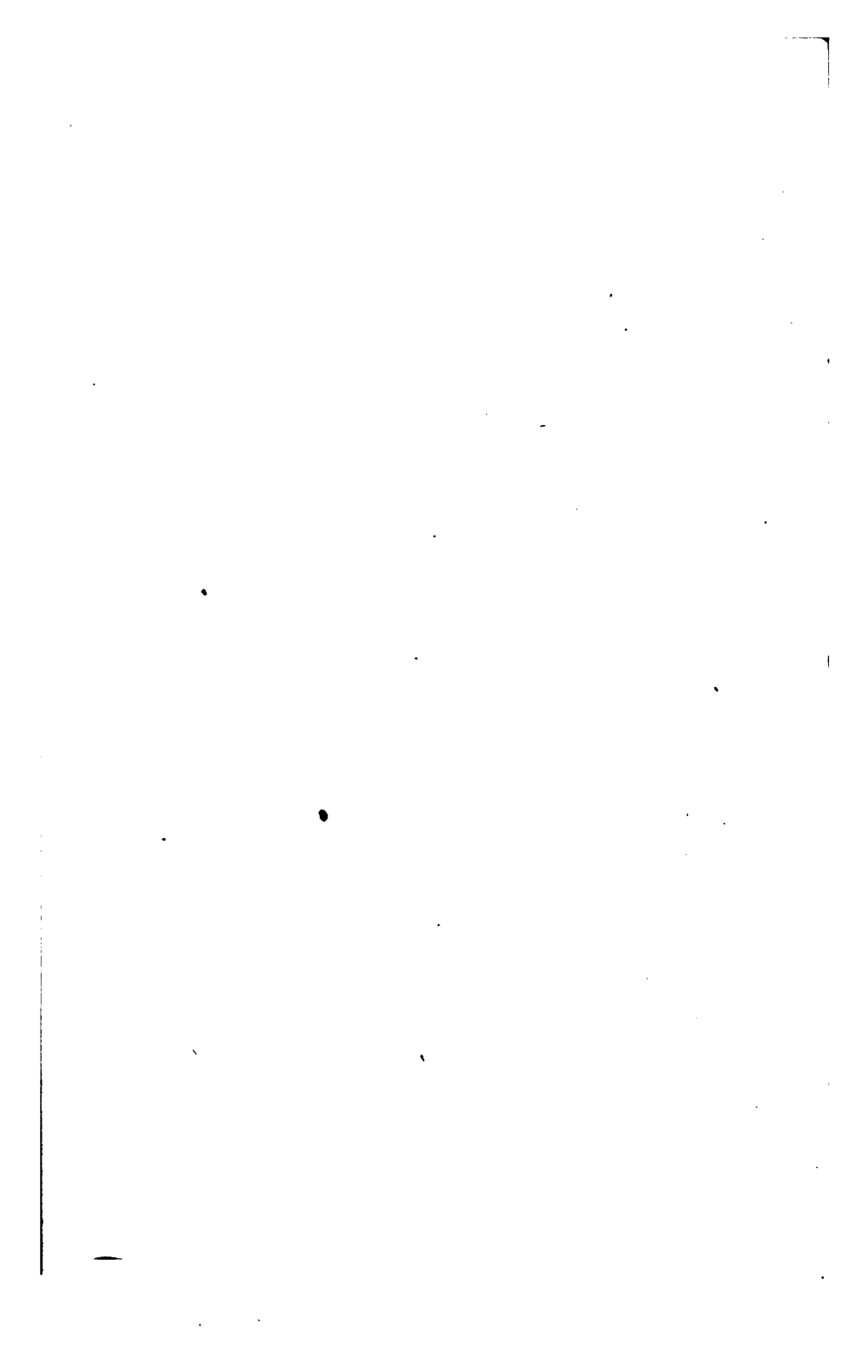
All of which is respectfully submitted.

JONATHAN SHEARER,

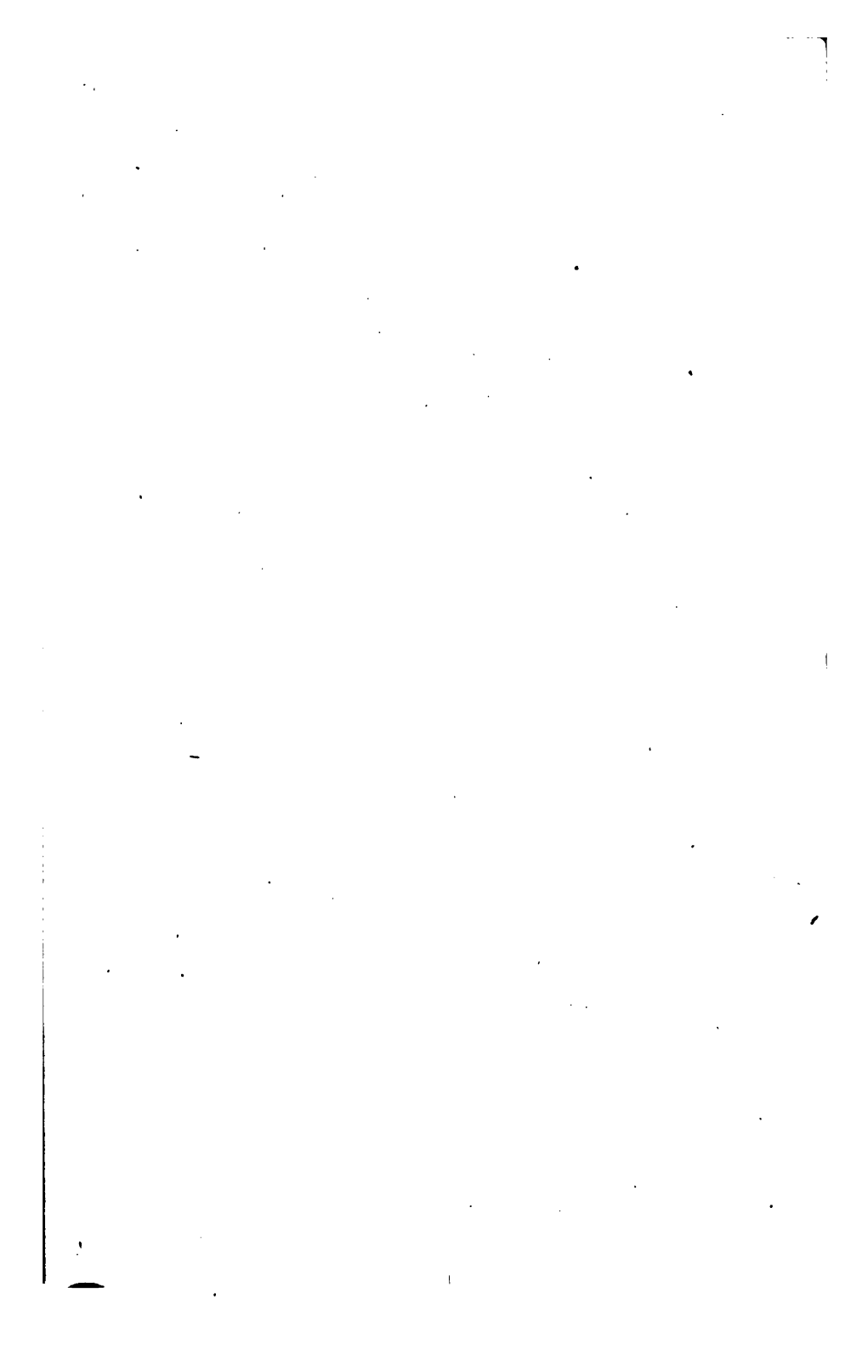
*Chairman.*











[No. 6.]

COMMUNICATION from the Auditor General relative to expenses  
of the State Government, &c.

AUDITOR GENERAL'S OFFICE, }  
Lansing, March 3, 1851. }

HON. JEFFERSON G. THURBER,

*Speaker of the House of Representatives:*

SIR—I have received from the Clerk of the House, the following:

*Whereas*, a resolution was adopted by the late constitutional Convention on the 17th day of June, 1850, on the motion of the Hon. J. R. White, of the county of Lapeer, in the words following, to wit:

*Resolved*, That the Auditor General of this State be and he is hereby requested to furnish for the use of this Convention, a statement of the annual expenses of the State government since its organization; that such statement embrace a list of the State officers, the number of clerks and other persons employed by them respectively in each year, and the salary or compensation paid to each; also the annual expenditures of the several departments of government, executive, judicial and legislative. That the Auditor General be requested to furnish to the Convention a statement of the annual amount of State tax apportioned to be paid by each county; the yearly amount of delinquent or unpaid taxes returned to the Auditor's office from the several counties, and showing the amount of the original tax levied; the amount of interest which accrued thereon; the amount of office fees and other contingent expenses, if any, charged to said tax; and the amount of taxes rejected, with interest, &c., which have been charged back to the respective counties in each year;

*And whereas*, The answer transmitted by the late Auditor General to the aforesaid resolution, does not appear on the journals of the

said constitutional Convention, nor in any other public form; therefore

*Resolved*, That the present Auditor General be and he is hereby requested to send to this House a copy of the aforesaid answer, if the same can be obtained from the books or files of his office.

In compliance with the above resolution, I have the honor to transmit herewith the communication referred to.

year.

Yours respectfully,

JOHN SWEGLES, Jr.,

*Auditor General.*

COMMUNICATION from the Auditor General to the Constitutional Convention.

AUDITOR GENERAL'S OFFICE, }  
Lansing, June 21, 1850. }

Hon. D. GOODWIN,

*President Convention:*

SIR—I have the honor to acknowledge the receipt of a resolution adopted by the Convention on the 17th inst., in the words following:

“*Resolved*, That the Auditor General of this State be and he is hereby requested to furnish for the use of this Convention, a statement of the annual expenses of the State government, since its organization: that such statement embrace a list of the State officers, the number of clerks and other persons employed by them respectively, in each year, and the salary or compensation paid to each; also, the annual expenditure of the several departments of government, executive, judicial and legislative. That the Auditor General be requested to furnish to the Convention a statement of the annual amount of State tax apportioned, to be paid by each county; the yearly amount of delinquent or unpaid taxes returned to the Auditor's office from the several counties; and showing the amount of the original tax levied; the amount of interest which accrued thereon; the amount of office fees and other contingent expenses, if any, charged to said tax; and the amount of taxes rejected, with interest, &c., which have been charged back to the respective counties in each year.”

In reply to the above resolution, I would beg leave respectfully to state, to get out from all the past annual reports from this office and from our books, or otherwise, anything like a full reply to all the inquiries above made, would require all the available force that could be put upon it at any one time, for probably two or three months. Until the last report from this office, a due separation of the items,

which go to constitute the expenses proper of the State government, from those other expenditures which have no reference thereto, and form no part of the necessary or legitimate current expenses of the State government, was never attempted to be thoroughly observed. To make now such a separation would involve a labor of several days; if not weeks; and every member of the Convention could separate out for himself, from the former reports from this office, such items as would properly fall under the head of expenses of the State government, as well as could be done by this office, and probably more to his own satisfaction. For the views of this office as to what items would properly be embraced under that head, I would respectfully refer the Convention to the last annual report from this department, and to some remarks in the preceding report on the subject of our annual expenses. In both of the last reports from this office, will also be found estimates of the annual expenses of the State government, averaged under the present constitution, with unlimited sessions of the Legislature, and under the present organization of the executive and judiciary departments. For a statement of the amounts of State tax apportioned to each county, for each year since the organization of the State government, to 1846, I would respectfully refer the Convention to table E, in the report from this office, to the Legislature of that year; and the State tax apportioned since will be found in the like tables in each of the subsequent annual reports from this office.

The amount of delinquent taxes returned from each county, has been given for several of the last years in the annual reports, and has been embraced for each county in the annual accounts made out here, and forwarded to each county, in July of each year, or as soon thereafter as practicable. A table of the several amounts so returned, if desired separately, by the Convention, could be made in a few days by one of the clerks in the office. If the inquiry as to the amount of original tax levied in each year, is designed to embrace the county, town, school and highway taxes, I would state that the books and papers in this office furnish no data, or hardly any, for an answer to the inquiry. An effort was made in 1845, to get returns as to the amount of all such taxes; but the law not making it imperative on the town or county officers to make such returns, it was



found impossible to obtain a complete statement of the amounts of tax levied in the State for all purposes, especially for township expenses. The result of the endeavor to obtain returns of that nature for that year, (the only one so far as I am aware when the attempt has been made,) will be found in the annual report of this office to the Legislature of 1846. If the inquiry relates only to the State tax, it would, except in 1847, when some counties, through some defect in the law arising from the then new revision of the statutes, failed to assess a State tax, be the same in each year as the State tax apportioned.

A reply to the next inquiry, as to the amount of interest which accrued on the delinquent taxes returned in each year from each county, would of itself require the labor of an experienced and efficient clerk for several months. Our tax books would have to be examined, description by description, to ascertain when each was paid, and how much had accrued and was charged on the tax at the time of each payment, and then a list drawn off, of the interest on each item. Our books are only kept so as to enter at the end of each month the aggregate amount of interest received on all taxes paid that month. Such is also the case as to office charges. The aggregate receipts under these different heads are given in the annual report from this office; but to separate out the amount collected on each year's tax from each county, would involve an amount of labor and time that could not well be spared in the office, at the present time. In regard to the last inquiry, I would state that taxes rejected here are not credited to the counties from which they are returned, and of course are never charged back to the counties. The taxes rejected are those which, from something upon the face of the returns, are evidently illegal, and which are deducted from the taxes returned from the several counties, before crediting the counties with the delinquent taxes returned. Those charged back, are taxes which having been once credited, are charged back, upon evidence being presented of their having been paid, or which would render the sale of the lands for the taxes void. Lists, both of the taxes rejected, and of those charged back, are sent each year to the treasurers of the respective counties; but as stated above, no *rejected* taxes are, or could be properly, ever *charged back* to the counties.

In conclusion, I would beg leave to say that I should be pleased at any time to furnish to the Convention, or to any members thereof, any information in the possession of the office, as to our State debt or finances; but especially at the present time, as the present and ensuing months are two of the busiest months of the year in the office, it would be utterly impossible to give a full reply to the several inquiries contained in the resolution passed by the Convention on the 17th inst.

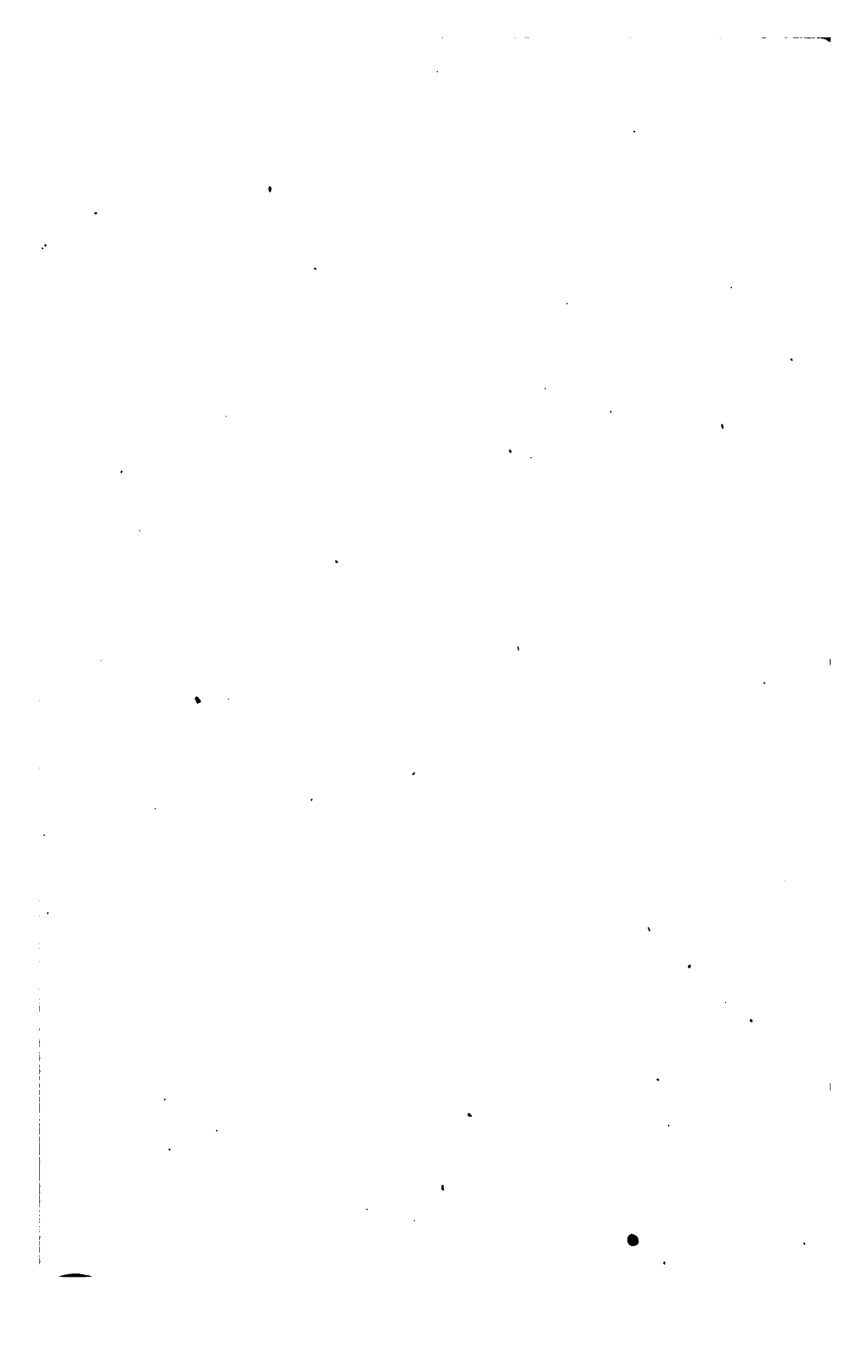
I have the honor to be,

Yours very respectfully,

JOHN J. ADAM,

*Auditor General.*





[No. 7.]

COMMUNICATION from the Auditor General, relative to ex-  
penses for advertising and selling lands delinquent for taxes.

AUDITOR GENERAL'S OFFICE, }  
Lansing, March 5, 1851. }

HON. JEFFERSON G. THURBEE,

*Speaker of the House of Representatives:*

SIR—I have the honor to acknowledge the receipt of the following  
resolution, adopted by the House on the 3d inst:

“Resolved, That the Auditor General be requested to furnish to  
this House, a statement of the aggregate amount of charges for ad-  
vertising and selling lands delinquent for taxes, in the year 1850;  
a statement of items making said aggregate; the aggregate amount  
paid to publishers of newspapers for advertising tax sales in said  
year; the aggregate amount paid to the several county treasurers of  
the State for making sales and returns thereof to the Auditor Gen-  
eral's office; the number of clerks employed in said office during the  
said year; the salary paid to each; and the number of clerks, in the  
opinion of the Auditor General, that would be necessary to do the  
business of the said office, provided no return of lands delinquent  
for taxes were made to said office.”

The aggregate amount of charges consequent upon the return and  
sale of lands delinquent for taxes for the year 1850, is \$13,241 89.

The salary of clerks, (see abstract A,)	\$3,189 82
Incidental expenses, (see abstract B,)	1,987 85
Paid county treasurers, (see abstract C,)	2,192 52
Paid newspapers for adv. lists, (see abstract D,)	5,871 70

The annual salary of the *extra* clerks is fixed by law at \$400. It  
will be seen, by reference to abstract A, that the amount paid monthly  
sometimes exceeds, and sometimes falls short of the regular rate.

House Doc. No. 7,

The diminution is caused by temporary absence—the excess by extra work out of office hours. Should a change in the system be effected, and no return of delinquent taxes made to this office, I am of the opinion that the number of clerks might be reduced to two or three.

Very respectfully,

JOHN SWEGLES, Jr.,

*Auditor General.*

[A.]

*STATEMENT showing the number of Clerks employed in Auditor General's Office during the year 1850, with amount of salary paid in each month.*

Months.	No. of Clerks.	Amount of salary.
January,	8	\$255 53
February,	7½	242 61
March,	8	270 06
April,	10	367 40
May,	9	304 92
June,	8	267 20
July,	9	301 51
August,	7½	251 27
September,	4	145 02
October,	6	190 19
November,	8½	276 54
December,	9	317 57
		<u>\$3,189 82</u>

## [B.]

*STATEMENT showing sundry expenses incident to the assessment, return, advertisement and sale of lands, as shown by the books of the Auditor General, for 1850.*

Stationery,	\$277 38
County treasurers's notices,	6 00
Maps,	5 00
Transportation,	54 44
Binding,	15 50
Postage,	102 42
Notary fees,	210 00
Assessment rolls, blank receipts and certificates, blanks for collector's returns, deeds, &c.,	1,317 11
	<u>\$1,986 85</u>



[C.]

*STATEMENT of amounts paid County Treasurers for selling lands delinquent for taxes, &c., in 1850.*

Amount paid to treasurer	Macomb county,	\$72 00
do	Eaton do	52 50
do	Branch do	54 50
do	Van Buren do	65 37
do	Lapeer do	90 50
do	Clinton do	49 25
do	Ottawa do	70 50
do	Kent do	67 50
do	Ingham do	53 00
do	Lenawee do	77 50
do	Ionia do	60 00
do	St. Clair do	89 50
do	Cass do	48 84
do	Calhoun do	100 16
do	Livingston do	73 00
do	Washtenaw do	37 50
do	Jackson do	102 00
do	Berrien do	85 90
do	Oakland do	67 00
do	Monroe do	207 56
do	Genesee do	83 50
do	Saginaw do	83 50
do	Hillsdale do	61 00
do	Kalamazoo do	78 50
do	Allegan do	89 00
do	Shiawassee do	69 00
do	Barry do	65 00
do	Wayne do	70 00
do	St. Joseph do	69 00
		<hr/>
		<u>\$2,192 52</u>

## [D.]

*COST of advertising, in 1850, lists of lands delinquent for taxes.*

Amount paid to Clinton Express,	\$158 80
do Macomb Gazette,	121 60
do Coldwater Sentinel,	158 20
do Paw Paw Free Press,	177 90
do Pontiac Jacksonian,	200 70
do Lapeer County Democrat,	110 50
do Flint Republican,	208 50
do Adrian Watchtower,	218 70
do Spirit of the Times,	136 80
do Eaton Rapids Democrat,	161 70
do Michigan State Journal,	217 80
do Hillsdale Gazette,	211 00
do Grand Rapids Enquirer,	787 20
do Michigan Argus,	140 70
do Western Chronicle,	162 10
do Ionia Gazette,	225 70
do Cass County Advocate,	78 70
do Democratic Expounder,	249 90
do St. Clair Co. Observer,	218 70
do Livingston Courier,	182 40
do Jackson Patriot,	268 90
do Niles Express,	272 20
do Monroe Advocate,	316 90
do Kalamazoo Gazette,	167 40
do Allegan Record,	252 00
do Shiawassee Democrat,	198 10
do Detroit Free Press,	268 60
	<hr/>
	<u>\$5,871 70</u>





[No. 8.]

REPORT of the Committee on Militia, to whom was referred the report of the Adjutant and Quartermaster General for the year 1850.

Your committee, to whom was referred the annual report of the Adjutant and Quartermaster General for the year 1850, having had the same under consideration, have instructed me, as their chairman, to make the following report:

It appears from the report of that officer that since the passage of the existing militia law, approved May, 1846, he has had much cause of complaint on the account of the imperfect manner in which the civil authorities, viz: the assessors, supervisors, township and county clerks, have made their returns to his office as required by law, of the numerical strength of the active and enrolled militia; and in many instances have wholly neglected that duty. It is therefore the opinion of your committee that there should be some farther provisions made by law, by which that officer's cause of complaint may be wholly removed, and such numerical strength may be fully obtained.

And it appearing to your committee that there is no law now existing and in force, whereby any compensation is provided for the pay of the supervisor or assessor for registering the names of individuals liable to do militia duty in their respective townships, your committee would recommend that there be a law passed this present session, allowing the supervisor or assessor of each township in this State, two cents for each able bodied man enrolled and liable to do military duty; and if said supervisor or assessor shall neglect or refuse to take the names and age of the inhabitants of his town over the age of eighteen and up to the age of forty-five years, able bodied men fit for military duty, and make a true report to the Adjutant and Quartermaster General, and file a true copy of said report in the

township clerk's office; and for neglect of the same it shall be the duty of the township clerk to prosecute the supervisor or assessor, as the case may be, of said town, for his or their neglect or refusal to do the same, before any court having competent jurisdiction. The fine shall not be less than five nor more than twenty-five dollars; one half of the fine to be paid to the township clerk for his services in prosecuting the same, and the other half deposited in the county treasury, to go into the military fund for the support of the independent companies of this State.

And your committee do further recommend that the denomination called Friends or Quakers shall be exempt from enrollment by their presenting to the supervisor or assessor a certificate of membership in good standing, duly executed by the society of which they are members.

And your committee do farther report that, in their opinion, it is important that the entire numerical strength of the militia should be annually returned to the office of the Adjutant and Quartermaster General, in order to enable that officer to make his returns to the general government of such numerical strength of the militia of this State, so as to enable him to obtain the military supplies to which this State is entitled annually from the general government, under the now existing laws of the Congress of the United States.

And your committee do further report, that they are of the opinion that a sufficient sum of money should be appropriated and placed at the disposal of the Quartermaster General, to enable that officer from time to time, as the necessity of the case may require, to pay transportation on arms and ammunition and military stores belonging to the State, and to erect and repair guns and gun racks, and other conveniences the State armory may require; to effect insurances on the same for the preservation and safe keeping of the military stores of this State, and for the payment of the contingencies which may necessarily occur from time to time, such as cleaning and repairing guns, &c.

And your committee respectfully suggest, in their opinion the sum of four hundred dollars would be no more than sufficient to defray the expenses above mentioned for the current year, and re-

spectfully recommend the appropriation of that amount for such purpose.

All which is respectfully submitted, asking leave that your committee may be discharged from further consideration of the same.

JAMES PATTERSON,

*Ch'n Com. on Militia.*





[No. 9.]

**MINORITY REPORT** of the Committee on Banks and Incorporations.

The undersigned, one of the committee on Banks and Incorporations, to whom was referred the bill "to amend an act entitled an act to authorize the sale of the Central Railroad, and to incorporate the Michigan Central Railroad Company, approved March 28, 1846," begs leave to report:

That in the year 1846 a charter was amended granting an act of incorporation for a railroad from Detroit to Port Huron, to connect with the Canada road at that point from the Niagara river, the Great Western Railway company agreeing that their road or a portion of it should terminate at Port Sarnia, opposite Port Huron; thereby securing the immense travel from the railroads commencing in Maine, and the more southerly routes, from New York, all leading towards this avenue, would pass over our territory from Port Huron to the western section of the State; and that the 4,000,000 inhabitants, composed chiefly from the east, whither all their business tends, and the 7,000,000 at the east would find the road through the whole length of Michigan the most convenient and expeditious, the State expecting a permanent tax income to the treasury from the same, to be expended in the construction of the road.

In an amendment to the Detroit and Port Huron charter, a specific tax of  $\frac{1}{4}$  per cent. was laid upon the capital of the company, which is \$1,000,000. Allowing it to cost that sum, the State would, in addition to the increase of the tax on the capital of the company, advance its assessments to \$1,000,000 more, for the property on the route and its vicinity; while a double track no doubt would be required within five years, vastly increasing its taxable rates. The amount of taxation from the Detroit and Port Huron road alone, as soon as comple-

ted, allowing the capital to be \$1,000,000, would be \$7,500 per annum, perpetually. The increase valuation of property would equal this sum, and the State treasury annually enriched \$15,000, if the road is constructed.

The undersigned learns that the Great Western Railway Company in Canada, are now actively engaged in the construction of their road between Hamilton and London; that they are desirous to meet a railroad connection with Michigan; that they have surveyed two routes, one leading to Windsor, opposite Detroit, and the other to Port Huron; that the junction of these two routes is 49 miles east from Port Sarnia; that said company now, as heretofore, prefer to terminate their road at Port Sarnia, provided they can meet a railroad connection at Port Huron; that according to the report of their engineer it would cost over \$1,100,000 more to construct their road to Windsor than to Port Sarnia; that said company are ready to give security for the completion of their road to Sarnia within two years, if they can be met there by the Detroit and Port Huron road. The bill before the committee asks that the Michigan Central Railroad Company may be permitted to take stock in the Great Western Railway Company, to assist in the completion of the Canada road to Windsor, as it appears by memorials and assertions of counsel, attorneys and agents of the said company. These memorials and attorneys and agents assert that the Great Western Railway Company have determined on the Windsor route; that the road is located, contract let, &c. The undersigned is assured from reliable authority that such is not the fact; that from the junction to Windsor, and the junction to Sarnia, is yet an open question; that the Company do not yet know what villages they would pass through, provided the counties of Essex and Kent will subscribe a certain amount of stock, and the States subscribe some \$1,200,000.

In the opinion of the undersigned, it would be incompatible with the interests of the State to allow the Michigan Central Railroad Company to take stock in a railway in a *foreign government*, and thereby prevent the construction of the contemplated road through our own territory; a suicidal policy for the State, and detrimental to its citizens; reaching every tax payers pocket, and as before shown, an absolute loss to the State of \$15,000 annually, blighting the increased

growth of the section it would pass over, and contributing to the prosperity of a monarchical government; the opposite of our own. The undersigned is further guided in his views from the fact, that by reference to the map annexed to the report of Mr. Stuart, chief engineer of the Great Western Railway, as well as by the report itself, it will appear there is little or no difference in the length of the route from Detroit to Niagara river, whether it go on the American side, passing through the counties of Macomb and St. Clair, and opening up one of the richest and most productive portions of the State, or on the Canada side from Windsor to Chatham, through an unsettled country, that is nothing, and never can be anything, while the same report exhibits the fact that it would cost \$2,500 per mile less to construct the Sarnia route.

It is said by the agents and attorneys of the Windsor route, that the Michigan Central Railroad Company, if prevented from taking stock in the Windsor route, will not aid in the construction of the Detroit and Port Huron road, thereby intimating that said road cannot be built without their assistance. There need be no alarm on this score; the Windsor route defeated, the Port Huron road will be immediately constructed, without any of the assistance of the Central Company; capitalists stand ready to go on with it at once. The Michigan Central Railroad Company may possibly, sooner or later, discover that they did not make the State of Michigan, but that the State of Michigan made the company.

In the opinion of the undersigned, the question ceases to be a local one, and becomes one of State policy; one in which all are interested; the south as well as the north, and against which nothing but local interest can be brought to bear. Shall we legislate for the outlay of capital on our own soil, rather than in a foreign country, or if need be, prevent the outlay of capital in a foreign country, upon the condition of a portion being expended within our own limits. There is another view of the question worthy of mention; a national view. In case of invasion or a war with Great Britain, look at the advantage she would have in one hundred miles of railroad running along on her frontier; whereas, on the other hand, should the road terminate at Port Sarnia, said terminus would be immediately under the guns of our fort, and the frontier road in our own government. Can any man

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**House Doc. No. 9.**

doubt or hesitate, as to his duty, as a representative of the interests of the State of Michigan in this case.

In consideration of the above facts, the undersigned respectfully begs leave to report a substitute for the said bill, and recommend its passage.

**NOAH H. HART.**

[No. 10.]

**REPORT of Select Committee relative to Grand Rapids Canal.**

The select committee appointed to inquire into the matter of the appropriation of 25,000 acres of land to construct a canal and locks around the rapids of Grand River, at Grand Rapids, and to report to the House such a disposal of the matter as may to them seem advisable, in accordance with resolutions of the House of Feb. 13th and 19th, have had the same under consideration, and beg leave to submit the following report:

The resolutions referred to, present the following distinct points of inquiry for the investigation of your committee:

1st. How much of said canal has been built?

2d. In what manner has it been built as regards the purpose of the improved navigability of Grand River?

3d. Whether the location of said canal has been changed?

4th. Whether the location of the dam appurtenant to said canal has been changed, and whether the said changes have been detrimental to the public interest and an infringement of the rights of riparian proprietors, endangering the permanency of said dam, and obstructing the navigation of Grand River?

5th. And more particularly, whether in the opinion of the committee, the balance of the appropriation unexpended, will suffice for the completion of said canal?

6th. Whether any excess of payments from said appropriation, over the amount legally due upon properly authenticated estimates, have been drawn from the office of the State land office by James Davis, contractor for the construction of said canal?

1st. To the first inquiry, as to how much of said canal has been built, we present a copy of the estimate of the engineer, made while acting as such engineer, as follows:

“ Estimate made May 10th, 1850, on the state of forwardness of the Grand Rapids Canal, as per contract between James Davis and the canal commissioners:

Excavation done on canal, about seven-eighths of the whole.

Embankment done, three-fourths “

Locks and dam “ one-half “

The locks and dam constitute about one-half of the contract; the excavation and embankment the other half of the contract, so that the foregoing estimate would stand as 21-82 of the whole contract, according to the best of my judgment.

W. L. COFFINBERRY, *Eng'r.*”

Mr. Coffinberry appeared before your committee, at their request, and stated that he was still of the same opinion as to the amount of work done on the canal, and that there has been no work done since the above estimate was made.

Two of the canal commissioners, Daniel Ball and Frederick Hall, also appeared before the committee, at their request, and substantiated the estimate of the engineer, as to the amount of work done. And the committee are unanimously of the opinion that the above estimate is correct, or nearly so.

2nd. The construction of the canal itself, so far as completed, is thought to be wisely planned for the improved navigability of Grand River—being about eighty feet wide, with six feet depth of water—affording ample room for navigation. But from the evidence before the committee, and from the personal knowledge of some of their number, they are decidedly of opinion that the dam, instead of being a benefit to navigation on the river, is a great hindrance to it, and ought to be removed unless the navigation shall be immediately restored by the completion of the canal; and even then it is hardly to be expected that the lumbering interest above will be accommodated and satisfied without a lock, or a greatly improved chute in the dam.

3rd. Whether the location of said canal has been changed.

Act No. 19 of session laws of 1847, appropriated 25,000 acres of internal improvement land to construct a canal around the rapids of Grand River at Grand Rapids. The board of supervisors of the county of Kent were authorized to construct and take charge of the

canal; the land to be selected and held until the canal "shall have been finished and completed," and "the right of way to be secured to the people of the State of Michigan." No fund was placed in the hands of the supervisors to purchase the right of way; and it seems to have been anticipated that voluntary releases would be executed to the State by the owners of land through which the canal was to pass. And with this view, the supervisors surveyed and established the location for the canal on the west side of the river, and gave a contract to James Davis for constructing it; but withheld the commencement of work until such releases should be made; and thus about one year passed over without procuring the right of way. And then, by an amendatory act, No. 125 of 1843, the powers and duties of the supervisors under act No. 19 of 1847, were "conferred upon three commissioners, to be appointed by the Governor," with full and entire control and management of the construction and completion of said canal and works, and they, in the exercise of said powers, "*in their discretion*," were authorized to "*re-survey and re-locate*" "the said canal on either side of the river, and modify the subsisting contract, or make new ones, for the completion of said works."

The Governor appointed Rix Robinson, Daniel Ball and Frederick Hall, who jointly executed a bond, with sureties approved by the Auditor General, in the penal sum of ten thousand dollars, for the faithful discharge of their duties.

In answer to a resolution of the Senate, of 12th January, 1850, the commissioners report upon this point that they have not been able to obtain the right of way to their satisfaction on the west [north] side of Grand River.

But a majority of your committee have instructed me to report that, in their opinion, such right of way might have been procured on the west side of the river by said commissioners.

The commissioners changed the location of the canal from the west to the east side of the River, and gave the contract to James Davis in April, 1848. He was to complete the canal, locks and dam and receive the 25,000 acres of land.

4th. The commissioners also changed the location of the dam. It was in contemplation by them to build it at right angles with a point known as the guard gate, and a number of releases of the right of

flowage and maintenance were given to the commissioners by River proprietors, in view of its location at this point; but was finally suffered to be built at a place further up the river, and abutted upon land the fee of which was bought by James Davis, the contractor, for that purpose, after the right of flowage upon the same land had been bought and filed with the commissioners, by proprietors claiming rights below.

Touching this point, your committee would remark that it was the duty of the commissioners to construct the dam without reference to the right of flowage. And provision was made by law for those claiming damage for flowage by the erection of said dam. (See act No. 216 of 1849.)

The committee are of opinion that the change in the location of the canal has not been detrimental to the public interests or an infringement of the rights of riparian proprietors, although perhaps the right of way might have been procured on the west side. But on the contrary, the change in the location of the dam, is thought to be detrimental to the public interests and an infringement of the rights of such proprietors. The embankment connecting the guard gate with the dam, and the dam itself, are more exposed and liable to be carried away in high water than the dam would be at the lower location. The dam is also too high, and should, if allowed to remain where it now is, be cut down, or the embankment of the canal raised to insure the city from damage by floods. The navigation of the river would probably be benefitted some by a lower location, and the rights of individuals better secured.

5th. And more particularly whether the balance of the appropriation will suffice for the completion of said canal.

Upon this subject we have an estimate of the Engineer, Mr. Coffinberry, made in the spring of 1850, for the completion of the whole work, leaving the dam in its present location. To which he now adds the cost of removing and re-building the dam at the guard gate and the consequent deepening of the channel from the head of the rapids to the entrance to the canal. The estimate is as follows:

Estimate made last spring,	\$7,500 00
Removal of dam,	650 00
Excavation of channel,	300 00

\$8,450 00



The amount of land yet undrawn from the land office, as shown by the report of the Commissioner of the Land Office, is 6,795.03 acres.

Calling it worth \$1 25 per acre,	\$8,493 85
Estimate to complete the work,	8,450 00
	<hr/>
Excess over estimate,	\$43 85

The committee are led to believe that the land yet undrawn may be sufficient to complete the work; but should this session of the Legislature pass without providing for an extension of the time, by a law embodying such reasonable provisions as will ensure its completion, it is believed the amount now paid out will be lost to the State; whereas, if a proper law is now adopted, the whole will be saved. Therefore, your committee, in view of the great importance of the work, would recommend that the job be let to a responsible person, who will give good security for the completion of the work according to law, and that the State shall in no case be liable for a greater amount than the 25,000 acres of land appropriated for that purpose.

6th. Whether any excess of payments have been drawn by James Davis, from the State land office. Upon this point your committee propose to state the facts as they exist. An act passed Feb. 20, 1847, gave the work in charge to the board of supervisors of Kent county, and provided that upon completion of the work, certificates should be issued for land, to the amount of the cost of the work, not exceeding the appropriation.

An act, passed January 29, 1848, provided that whenever the supervisors should certify that one-half of the work was done, the commissioner of the land office should pay over to the contractor, an amount not exceeding one-fourth of the whole of said appropriation.

An act, passed March 28, 1848, devolved all the duties of the supervisors upon three special commissioners.

In pursuance of the preceding acts the commissioners did on the 30th day of October, 1848, "certify that Mr. James Davis, contractor on said canal, has completed one-half of the work according to provisions of the aforesaid acts."

An act, passed January 25, 1849, authorized the commissioners to make estimates of the work as it progressed from time to time. Authorized the commissioner of the land office, on the filing of such es-

timates with him, to pay over to the said contractor in warrants, specie or certificates of sale, the amount of the estimates of the work filed, *less fifteen per cent.*

An act, passed March 31, 1849, repealed the first section of the last act, which authorized the commissioners to make estimates as the work progressed from time to time, and authorized the appointment of an *engineer* by the supervisors of Ionia county, whose duty it should be to determine from time to time as the work progressed what proportion of said contract had been done and performed, whether one-half, three-fourths, more or less; and also to estimate and determine from time to time as aforesaid, the number of acres of land of the 25,000 acres, that will be sufficient to pay pro rata, the contract for the proportion of said contract done and performed at the time of the estimate and determination. Said estimates to be signed by the engineer, and countersigned by the chairman of the board of supervisors of Ionia county.

Under the provisions of this last act, A. V. Berry, engineer, made the following estimate, duly countersigned by A. F. Bell, chairman of supervisors of Ionia county:

1849, May 31—	For the amount of labor performed on said canal,	
	in proportion to the total amount for the comple-	
	tion of the work under said contract,	7673 acres.
“ June 13,		2729 “
“ Oct. 5,		6359 “

Also an estimate made January 23, 1850, signed by the engineer, but not countersigned by the chairman of the board of supervisors, and not recognized by the Commissioner of the Land Office, for 1456 acres.

Total amount of estimates made by engineer, duly countersigned,	16761 acres.
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Under the foregoing provisions, the committee are of opinion that the contractor was entitled to draw in warrants, specie or certificates of sale, land estimated at one dollar and twenty-five cents per acre, one-half of the amount of the estimate of work made by the special commissioners,

(acres) 8250.00

The amount of countersigned estimates made by the engineer,	(acres) 16761.00	
Less 15 per cent,	2514.15	
	<hr/>	
Leaving,	14246.85	
Less one-half of the amount of the commissioners' estimate,	6250.00	
	<hr/>	7996.85
		<hr/>
Amount to which the contractor was entitled by the estimates,		14246.85
Amount of appropriation,	(acres) 25000.00	
Less legal estimates, as above,	14246.85	
	<hr/>	
Balance with which the canal fund ought to be credited,		10753.15
The amount drawn by Davis, contractor, as per report from the Commissioner of the Land Office, made to the House of Representatives, Feb. 11th, 1851,	(acres) 18204.92	
Leaving unexpended of the	25000.00	6795.07
Overdrawn,		3958.07

Besides the bond executed by the commissioners for \$10,000, the contractor, James Davis, executed a bond in accordance with act No. 36 of 1850, in the penal sum of \$20,000, signed by Amos Rathbone, John M. Fox, John Ball, S. O. Kingsbury, A. Roberts, Z. G. Winsor, N. W. Foster and Wm. Haldane, residents of Kent county, and, as the committee believe, perfectly responsible for the payment of their bond.

The committee have found it necessary to call witnesses from a distance. Daniel Ball, W. L. Coffinberry and Dr. Penny, from Grand Rapids, have visited the capitol for this purpose, and your committee unanimously recommend that they be allowed at the rate of \$3 a day each for ten days; and that Frederick Hall, a resident of Ionia village, be allowed at the same rate per day for eight days.

And in conclusion, the committee would unanimously recommend the passage of a law embodying the following provisions, to wit:

Providing for an extension of the time to complete the work until January 1, 1853.

Providing that the dam be removed to the location first contemplated by the commissioners; abutting on the west side of the river opposite the guard gate at right angles to the river.

Providing that all the unexpended lands of the 25,000 acre appropriation be withheld and remain in the land office until the whole work be completed to the satisfaction of the board of supervisors of Kent county, and until all the necessary releases of rights of way, flowage and maintenance of the dam, are executed to the satisfaction of the Attorney General.

Providing for the appointment of a Commissioner by the Governor, to take charge of the work till its completion—authorising such commissioner to appoint a competent engineer to act under him.

Providing for letting the job by contract to a responsible person, who shall give sufficient sureties for the completion of the work. And providing further, that the work shall be completed without any other or further expense to the state, than the amount of the original appropriation.

Providing for an appraisal of the damages which may result to the proprietors of lands bordering on the river above the dam, and an assessment of the same to those benefitted by the erection of the dam.

Providing that the compensation of the commissioner and engineer be paid by the counties of Kent and Ionia, in equal proportions, at the rate of not exceeding five dollars per day for each, for actual services.

Providing that if the contract is not let within three months from the passage of this act, for the completion of the work, the dam shall be removed under the direction of the commissioner, and the expense of removing of said dam shall be examined and audited by the Board of State Auditors, and be paid on their warrant, out of the unexpended balance of land heretofore appropriated.

And providing further, that upon the completion and acceptance of the work, all powers of the commissioner cease, and be vested in the board of supervisors of Kent county, who shall have the supervision of the work, and regulate the tolls, under restrictions of law.

All of which is respectfully submitted,

H. M. MOORE,

*Chairman Select Committee.*

[No. 11.]

**REPORT of the Minority of the Committee on Banks and Incorporations.**

The undersigned, a minority of the committee on Banks and Incorporations, to whom was referred, among other bills, the bill to amend an act entitled an act to authorize the sale of the Michigan Southern Railroad and to incorporate the Michigan Southern Railroad Company, approved May 9, 1846, begs leave to submit the following as a minority report:

The committee have had the said bill under consideration for some time. It was discussed by the members of the committee from time to time, with a great degree of interest; and finally the undersigned proposed a very important amendment to the bill, which was as follows, to stand as section two of said bill:

“That the time for completing the Tecumseh branch of said Michigan Southern Railroad, from the village of Tecumseh by way of Clinton, in the county of Lenawee, and Manchester, in the county of Washtenaw, to the village of Jackson, in the county of Jackson, be and the same is hereby extended six years from the time the same is to be completed in the original act incorporating said company; and said Southern Railroad Company shall, within one year after the passage of this act, extend, construct, and complete said branch road to the village of Clinton; and within two years from the passage of this act, extend, construct and complete said branch road to the village of Manchester; and within three years after the passage of this act, extend, construct and complete said branch road to within ten miles of the village of Jackson; and within four years after the passage of this act, extend, construct and complete said road to the village of Jackson, or as near thereto as may be, and not conflict with the rights of the Michigan Central Railroad Company, under their char-

ter, at the time when the said Michigan Southern Railroad Company are required to build, extend, construct and complete the said last part of said road; and the said branch road shall be built on the best and most feasible route from Manchester to the village of Jackson, and the whole track of said branch road shall be laid with a heavy iron rail, weighing not less than fifty-six pounds to the yard."

The above was submitted to all of the members of the committee, and by them assented to; and it was agreed by all of the committee that this amendment should constitute a part of the report of the committee on that subject. The committee were unanimous that the proposed amendment should and ought to be adopted, as a part of said bill—that the interests of the State required it, and no injustice would be done to the Southern Railroad Company, as in substance, it only bound the company to perform what it had, through its agents and friends, so often promised to do. Consequently, the committee unanimously instructed their chairman to report as above. The opinions of the committee were divulged, and when ascertained, did not meet with the approval of the friends of that company. The committee had another meeting, and the matter was again discussed; and notwithstanding some members of the committee did at that time avow some change in their views on the subject, from influences unknown to the undersigned, still the chairman was again instructed to report the bill with the proposed amendment as before. The undersigned, therefore, concluded the character of the report was substantially fixed, and that the action of the committee was fully and finally settled; but not so the facts; as on Saturday last the undersigned was surprised to see the chairman of said committee arise in his place and submit to the House a report in which was entirely omitted the above amendment.

Now the question, when and where had the committee decided on such a report? When and where had its members held another consultation on the subject? If held, it was held without the knowledge of the undersigned. From whom did such an influence emanate, and what were the influences which induced the majority of the committee, or its chairman, to make a report so contrary and so opposite to the one which was adopted by the committee in the presence and with the assent of the undersigned? Or did the majority of the

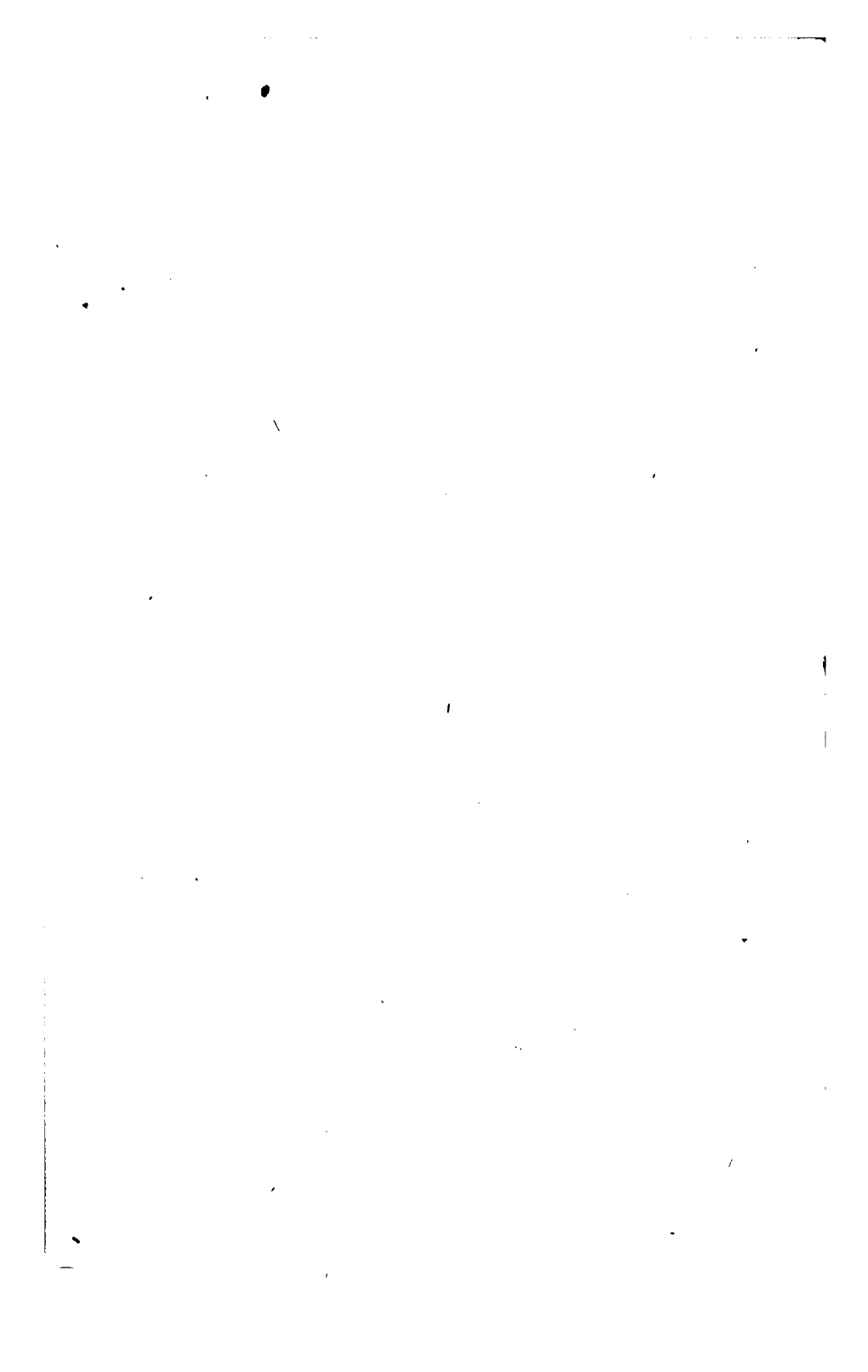
committee consider the opinion of the undersigned as of no consequence in the matter, and *privately* hold a conclave in the dark, and instruct the chairman thus to report? Or did the chairman take the responsibility and report without consent of the committee? These questions are left to be answered as best they may, by those engaged in the *plot*. The manner, the reasons why such a report was made, are unknown to the undersigned, although the conclusion is inevitable. Influences have been brought to bear which have produced this result, for men do not exhibit such palpable changes in their opinions simply from self-motives, in the absence of outside influences.

That those influences have been used, and are continually being felt in our Legislatures, no one can doubt. The sessions are annually attended by the representatives of at least the two most important railroad companies in this State, for the purpose of procuring the passage of laws for the benefit of those companies, and wholly for the advancement of their interests, without conceding anything to the people of this State for privileges they ask, however important. Yes, those soulless corporations ask, but will not give. It is time for the people of this State to stop and consider the object of these repeated solicitations from those corporations, and to inquire why the Legislature should at every session be called upon not only to grant favors to the growing monopolies, but to act as umpires in deciding and settling their conflicting interest; and if thus early they can exert such an influence, what may we expect from them in the future.

The amendment to the Southern railroad bill was approved of by the committee when all together; and the subsequent action, if any, was without the knowledge or assent of the undersigned.

All which is respectfully submitted.

J. B. EATON.





[ No. 12. ]

**MEMORIAL** of the Committee of Directors of the Erie and Kalamazoo Railroad Company.

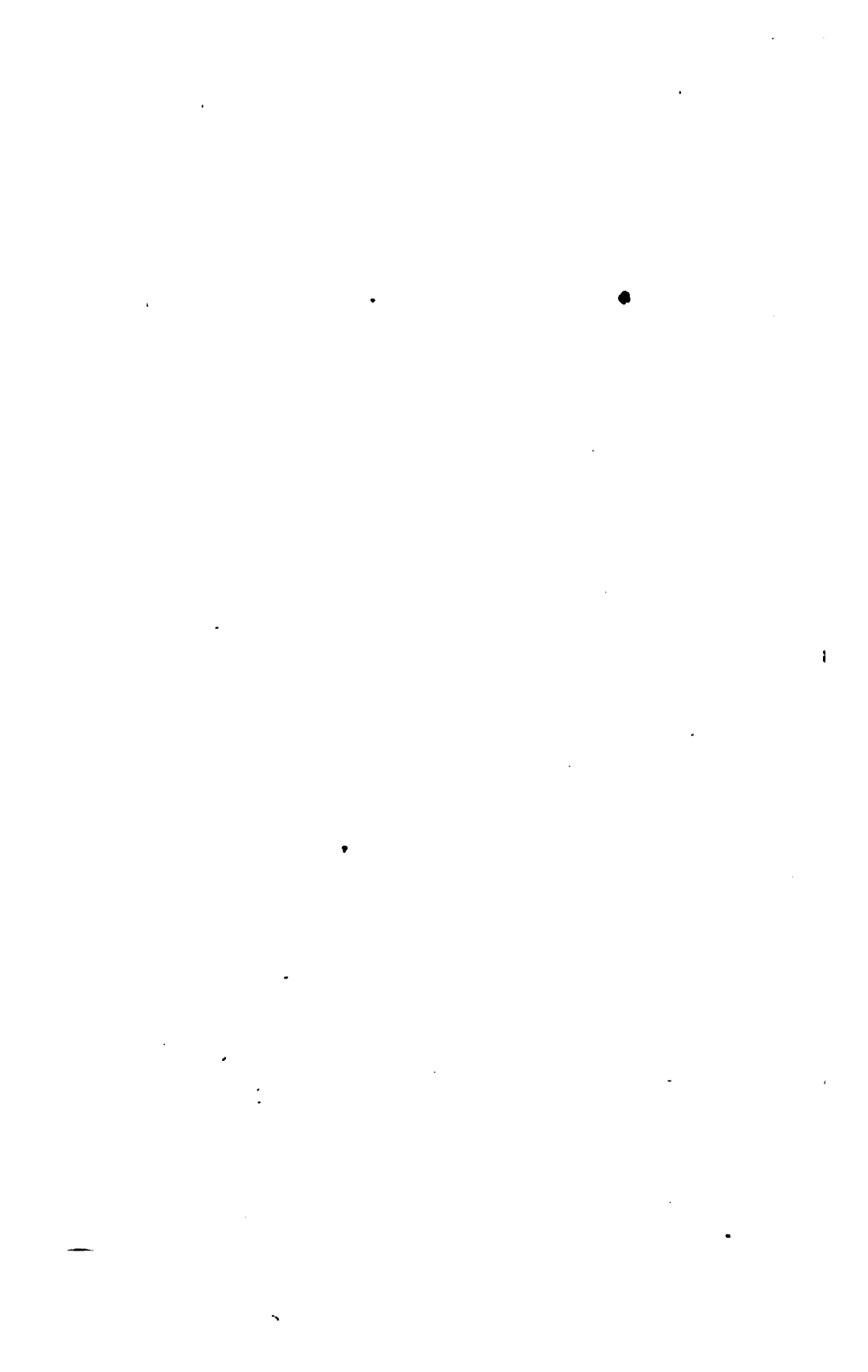
*To the Senate and House of Representatives of the State of Michigan:*

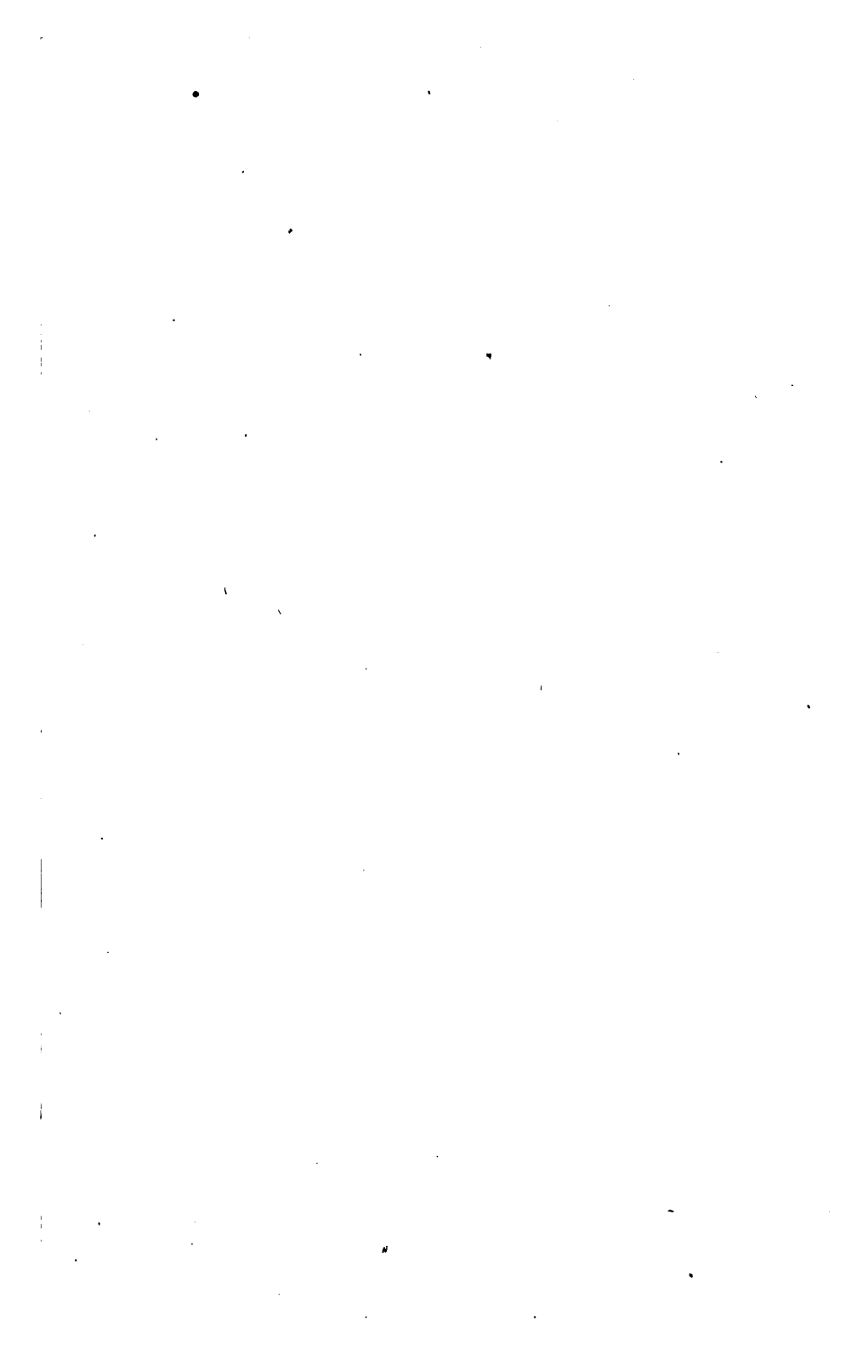
Respectfully represent, the Erie and Kalamazoo Railroad Company; that the road is laid with a flat bar rail, which from long use is much worn and requires to be re-laid with a heavy iron rail. That for the purpose of providing and laying down such rail, and providing suitable depot accommodations for the public, they pray that they may be authorized to issue their corporate bonds, bearing interest not exceeding eight per cent, payable within or without the State of Michigan, at such time as they may see fit; and to sell the same at such rates as they may judge best; and to mortgage their road and franchises as collateral security therefor; and that they may be authorized to alter the location of said road in places where they think the same may be improved thereby.

And they further pray that provision may be made that the tax annually laid upon their capital stock may not include any part of said capital or of loans made for constructing the road, which have been or which shall be expended without the State; that the annual meeting of stockholders may be holden hereafter on the Tuesday after the second Monday in June, the next meeting for such election to be in June, A. D. 1852; and that the return to be annually made to the Governor may be as of the condition and business of the road on the 30th day of November in each year.

GEO. BLISS,  
CHARLES BUTLER,  
HUGH WHITE,  
*Committee of Directors.*

February, 1851.







[ No. 13. ]

REPORT of Committee on Public Lands, relative to Swamp and Overflowed Lands granted to this State by the United States.

The committee on public lands, to whom was referred that portion of the Governor's Message, which relates to the swamp and overflowed lands granted to the State by an act of Congress, have had the same under consideration, and respectfully report, that from information supposed to be reliable, the State contains about four millions of acres of these lands. No information is had as to the particular location of these lands, other than that they are scattered over the whole of the State. The privilege has been extended to the State to make a survey of these lands, under the authority of the State, and report the same to the Surveyor General, the object of which would be to ascertain if there be any land coming within the construction of the act and not included in the returns of the Secretary of the Interior. The act requires the Secretary of the Interior to make a list of "all legal sub-divisions, the greater part of which is wet and unfit for cultivation, shall be included in said list and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom."

A re-survey would require the smallest legal subdivision to be made, which would require an amount of labor that must be evident to all cannot be undertaken; and from the liberality which it is supposed that lands have been returned as swamp lands, there would probably be no increase of acres, over the returns of the Secretary of the Interior; a re-survey is therefore not advisable. The committee are advised that many of these lands returned as swamp lands, have become so by the formation of beaver dams. These dams in some portions of the country have caused the overflow of large quantities of land which, when opened, have subsequently become

dry and fit for cultivation. All the land of this character it is supposed can be drained and made productive, at a comparatively small expense. Experience has taught us that lands upon low, level grounds, and large swails, and small sluggish streams, that have been supposed by some to be worthless, have in some cases required nothing more than the removal of fallen timber from the natural outlets, to render them sufficiently dry for cultivation. It is the opinion that many lands of this description are returned as swamp lands. Among the lands returned, are some that are supposed to be but a covering of soil over some small lake. This description cannot be made productive, and to attempt their drainage would be entirely useless. The condition upon which these lands are granted, is that of reclaiming them, as far as may be practicable. The first object to be attained is that of carrying out in good faith the trust imposed, in the most judicious manner. To attempt any system of drainage by the State at this time, of these lands, in the absence of any correct information as to the probable expense, other than that the purchaser might be willing to do at a stipulated price, is deemed inadvisable.

Your committee are of the opinion that the practicability of reclaiming those lands that are reclaimable, and the amount required for reclaiming, could in a measure be obtained, by bringing these lands into market at a certain minimum price, an allowance of part of the minimum price to the purchaser, or an appropriation of a part of the land, is believed, would be the surest way of reclaiming these lands. The employment of an additional clerk in the land office for a part of the year, is supposed to be all the extra expense required in that office, provided these lands are placed under the control of the commissioner. If these lands are placed in that office, the committee suggest the propriety of authorizing the commissioner to employ such aid, from time to time, as may be necessary. It is assumed that these lands are granted to the State not so much on account of increasing the treasury, as the benefit that may arise to the people of the State from reclaiming. If, then, there shall arise a considerable fund from the sale of these lands, over the amount required for reclaiming, how shall it be disposed of to benefit the greatest number or do the most good? Your committee respectfully re-

commend that it be placed to the credit of the primary school fund, believing that more benefit would arise from such a disposition, than any other. The beneficial effects will be felt in all grades of society by adding this to the primary school fund.

D. SHOOK,  
*Chairman.*





[No. 14.]

COMMUNICATION from the Attorney General relative to the constitutionality of a "bill establishing police regulations for the preservation of property on the lines of rail roads, and for other purposes."

OFFICE OF THE ATTORNEY GENERAL, }  
Lansing, March 26, 1851. }

To the Hon. the House of Representatives:

I have the honor to acknowledge the receipt of the following resolution:

*Resolved*, That the Attorney General be requested to communicate to this House his opinion, whether any of the provisions of the bill establishing police regulations for the preservation of property on the lines of rail roads, and for other purposes, conflict with the chartered rights and privileges of the Central, Southern or other rail roads of the State, and if so, to point out to the House wherein."

The first four sections of the bill relate, generally, to matters which are not embraced in any of the charters of the rail road companies referred to in the resolution. The first section requires each rail road company, within six months, to erect and maintain on the sides of their road, a lawful and sufficient fence, with openings or gates, and sufficient farm crossings for the use of proprietors of adjoining lands. It also requires each company to construct and maintain cattle guards at all road crossings, suitable and sufficient to protect cattle or other animals from getting upon the rail road; and until such cattle guards are constructed, the company is made liable for all damage done to cattle, horses or other animals thereon, by the agents or engines of the company. The second section requires each company to cause boards, with an appropriate inscription painted thereon, to be placed or supported by posts, and constantly maintained across each public

road intersected by the rail road, and in such manner as to be seen by travelers. The third section requires each engine to be furnished with a bell of at least thirty pounds weight, or a whistle that can be heard at least one hundred rods, to be rung or sounded at a distance of at least eighty rods from the place where any rail road crosses any road or street. The provisions contained in this and the preceding section, are enforced under a penalty of at least fifty dollars for every neglect or non-compliance. The fourth section makes the intoxication of every person, while in charge of a locomotive engine running upon any rail road, a misdemeanor.

The clause in the first section requiring the companies to erect and maintain sufficient farm crossings for the use of proprietors of adjoining lands, is made the subject of a special provision in their charters. The Legislature cannot, therefore, add to the obligations which it imposes, or vary in any respect the rights which it secures to the companies. With this exception, I am not able to discover, after a careful examination, any provision in the acts incorporating these companies, with which these regulations may be said to conflict. They do not change or impair the corporate rights of the companies, nor are they inconsistent with their full enjoyment. Certain acts are required, it is true, but the performance of them is sought to be enforced, not for the purpose of affecting any chartered rights or privileges, but to ensure protection and safety to the lives and property of citizens. These requirements, however, can only be justified and sustained on the ground of public policy and necessity. The Legislature would have no right to impose a burden upon any of these companies, not required of them by their charters, upon any other grounds. The necessity of these regulations and their adaptation to the end designed to be secured, are matters which address themselves exclusively to the judgment and discretion of the Legislature.

The provisions contained in the two last sections of the bill, are of a different character. They direct the manner in which the business of the roads is to be transacted, which is a right reserved to the companies. By the twelfth section of the act incorporating the Michigan Central Rail Road Company, it is provided that the company shall have power to regulate the time and manner in which goods

and passengers shall be transported, taken and carried on the road, as well as the manner of collecting all tolls and dues. By the twenty-first section the company is required to keep the road open for public use, for the transportation of persons and property, under such by-laws as said company may lawfully make. Similar provisions are embodied in the act incorporating the Michigan Southern Rail Road Company. The regulations proposed to be established by the fifth and sixth sections of the bill, are clearly in conflict with these chartered rights.

WILLIAM HALE,  
*Attorney General.*



[No. 15.]

**COMMUNICATION** from the Secretary of State, giving the number of the colored population in the State.

OFFICE OF THE SECRETARY OF STATE, }  
Lansing, March 29, 1851. }

**HON. JEFFERSON G. THURBER,**

*Speaker of the House of Representatives:*

**SIR**—I have the honor to acknowledge the receipt of the following resolution, adopted by the House on the 27th inst.:

“*Resolved*, That the Secretary of State communicate to the House the number of negroes or colored persons in each county in this State at his earliest convenience.”

In answer to the same, I herewith submit a list of the number of colored persons in this State, by towns and counties, as taken from the United States census returns deposited in this office.

Very respectfully yours,

**C. H. TAYLOR,**

*Secretary of State.*



COLORED POPULATION IN MICHIGAN.

<i>Allegan County.</i>		<i>Chippewa County.</i>	
Gunplain,	5	Total,	15
		<i>Clinton County.</i>	
<i>Barry County.</i>		Essex,	1
Barry,	1	Watertown,	1
Hope,	7		—
	8		2
		<i>Eaton County,</i>	
<i>Berrien County.</i>		Carmel,	1
Total,	215	Oneida,	2
			—
<i>Branch County.</i>			3
Batavia,	1	<i>Genesee County.</i>	
Coldwater,	12	Flint,	14
Union,	1		
	—	<i>Hillsdale County.</i>	
	14	Amboy,	3
		Hillsdale,	3
<i>Calhoun County.</i>			—
Albion,	5		5
Battle Creek,	34	<i>Houghton County.</i>	0
Burlington,	3	<i>Huron County.</i>	0
Eckford,	6	<i>Ingham County.</i>	
Emmet,	58	Ingham,	5
Fredonia,	1	Lansing,	13
Lee,	16		—
Marshall,	69		13
Marengo,	1	<i>Ionia County.</i>	0
Pennfield,	1	<i>Jackson County.</i>	
Sheridan,	1	Jackson,	63
Tekonaha,	1	Parma,	1
	—		—
	196		64
<i>Cass County.</i>		<i>Kalamazoo County.</i>	
Calvin,	158	Brady,	13
Howard,	72	Kalamazoo village,	34
Jefferson,	5		
LaGrange,	15		
Penn,	29		
Porter,	105		
Silver Creek,	3		
	—		
	387		

Kalamazoo town,	6		
Oshtemo,	25	<i>Mason County.</i>	0
Pavillion,	3		
Schoolcraft,	16	<i>Michigan County.</i>	0
	—		
	97	<i>Montcalm County.</i>	0
<i>Kent County.</i>			
Cannon,	1	<i>Monroe County.</i>	
Gaines,	11	Ash,	4
Grand Rapids City,	18	Dundee,	1
Plainfield,	4	Lasalle,	1
Walker,	1	Monroe, town,	8
	—	“ village,	39
	30	Whiteford,	1
	—		—
			54
<i>Lapeer County.</i>			
Lapeer,	6		
		<i>Oakland County.</i>	
<i>Lenawee County.</i>		Bloomfield,	8
Adrian,	18	Farmington,	1
Blissfield,	2	Oakland,	2
Madison,	15	Pontiac,	19
Macon,	8	Royal Oak,	26
Raisin,	8	Troy,	3
Rollin,	9	Waterford,	1
Rome,	3		—
Seneca,	1		69
Tecumseh,	7		
Woodstock,	20		
	—	<i>Oceana County.</i>	
	91	Total,	19
<i>Livingston County.</i>		<i>Ontonagon County.</i>	
Conway,	1	Total,	5
Green Oak,	1		
	—	<i>Ottawa County.</i>	
		Holland,	1
		Ottawa,	2
		Spring Lake,	32
	—		—
			35
<i>Macomb County.</i>			
Bruce,	1		
Chesterfield,	7		
Clinton,	6	<i>Saginaw County.</i>	9
Macomb,	13		
	—	<i>Sanilac County.</i>	0
	27		
		<i>Schoolcraft County.</i>	0
<i>Mackinac County.</i>			
Total,	31		
		<i>Shiawassee County.</i>	0
<i>Marquette County.</i>	0		



House Doc. No. 15.

5

<i>St. Clair County.</i>		Pittsfield,	6
Columbus,	1	Scio,	1
Port Huron village,	15	Sharon,	1
St. Clair,	7	Superior,	6
		York,	24
	23	Ypsilanti,	76
			<hr/>
			231
<i>St. Joseph County.</i>			
Colen,	1		
Constantine,	9	<i>Wayne County.</i>	
Fawn River,	6	Detroit city,	373
Lockport,	2	Dearborn,	19
Nottawa,	2	Ecorse,	21
Sherman,	2	Greenfield,	12
White Pigeon,	1	Grosse Point,	12
		Hamtramck,	14
	23	Monguagon,	7
		Nankin,	7
	0	Plymouth,	3
		Redford,	3
		Springwells,	12
	2	Sumpter,	3
		Taylor,	4
		Romulus,	3
	78	Van Buren,	5
	24		<hr/>
	8		699
	7		
<i>Tuscola County.</i>			
<i>Van Buren County.</i>			
Almena,			
<i>Washtenaw County.</i>			
Ann Arbor,			
Augusta,			
Lodi,			
Manchester,			

## RECAPITULATION.

Allegan,	5	Macomb,	27
Barry,	8	Monroe,	54
Berrien,	215	Midland,	1
Branch,	14	Montcalm,	0
Calhoun,	196	Mason,	0
Cass,	387	Marquette,	0
Chippewa,	5	Oakland,	60
Clinton,	2	Ontonagon,	5
Eaton,	3	Oceana,	19
Genesee,	14	Ottawa,	35
Hillsdale,	5	Saginaw,	0
Houghton,	0	Shiawassee,	0
Huron,	0	Schoolcraft,	0
Ingham,	18	St. Clair,	23
Ionia,	0	St. Joseph,	23
Jackson,	64	Sanilac,	0
Kalamazoo,	97	Tuscola,	0
Kent,	30	Van Buren,	2
Lapeer,	6	Washtenaw,	231
Lenawee,	91	Wayne,	697
Livingston,	2		
Mackinac,	31	Total,	<u>2,372</u>





[No. 16.]

**REPORT** of the Committee on Federal Relations, relative to the  
Fugitive Slave Law and Slavery in the Territories.

The committee on Federal Relations, to whom was referred sundry petitions in reference to the law known as the fugitive slave law have had the same under consideration, and have instructed me to report,

That but a few months have elapsed since there existed a state of things in our Federal Union, before unknown in its history. Certain measures had been pending before the Congress of the United States, among which, this fugitive slave question was one for seven months, and yet brought to no result. The subject pending had paralyzed all the operations of government; displaced the regular proceedings of the two Houses of Congress; and at the end of seven months of a session, the ordinary annual appropriation bills had not been passed. Such an occurrence had never before existed in this government.

The measures alluded to were embraced in what was denominated the Compromise or Omnibus bill, and particularized as follows: "The California question, the question of territories, the question of the boundary of Texas, the Slave trade in the District of Columbia and the Fugitive Slave bill." The agitation of these subjects increased from day to day, until the wisest patriots became alarmed for the safety of our beloved country. The cry of dissolution was heard from one end of the Union to the other. The American people watched this agitation with a deep anxiety, and not being able to foresee its consequences, finally, in an almost united voice, commanded their servants to compromise, that concord and harmony might again

be restored, and the Union be preserved for all the high and noble purposes for which our fathers formed it. The compromise was finally effected; the five wounds that had so long baffled the skill of the wisest and most eminent physicians of the nation, were finally healed. There was a general rejoicing throughout the length and breadth of the land; all seemed to speak out, "the Union is now safe." Our long cherished principle, that man is capable of self government, was re-affirmed.

Your petitioners pray a repeal of the fugitive slave law—one of the compromise measures. Your committee are of opinion that your petitioners have honestly yielded to the gross misrepresentations of this law; but upon taking "the sober second thought," will agree with your committee that the law is constitutional—that the law does not abolish the right of trial by jury—that it does not suspend the writ of habeus corpus—that, in short, it does not take away any right secured to the slave under the law of 1793; but on the contrary is really in his favor, inasmuch as, by the law of 1793, the claimant was authorized to arrest and seize his fugitive slave by force and without process, while the law of 1850, authorizes legal proceedings in the first instance—that the law of 1850 only gives the owner of the fugitive slave an appointed and peaceable remedy.

Your committee cannot be induced to believe but that your petitioners estimate the Union of the States of inestimable value to the people of America, and to the cause of liberty throughout the world. That upon a little reflection they will say with your committee, that the advice of the immortal Washington in his farewell address to the people of the United States, to avoid sectional divisions and animosities, and to frown indignantly upon every attempt to alienate one section of the country from another, is deserving of profound respect and veneration from all patriotic citizens, and that no existing circumstances will warrant our disregard of that advice.

Entertaining these views, your committee have instructed me to report adverse to the prayer of your petitioners, and that any legislation on the subject is unnecessary and inexpedient.

NOAH H. HART, Ch'n.







[No. 17.]

*Lansing, March 17, 1851.*

Rev. Mr. BAKER:

DEAR SIR—By unanimous vote of the House of Representatives of Michigan, passed yesterday, we had the honor to be appointed a committee to respectfully ask of you a copy of your able Lecture on education, delivered in the Representatives' Hall on Sabbath evening last, for the purpose of publication. By granting the favor you will very much favor the cause of education.

With due consideration, we remain, &c.,

J. SHEARER, *Chairman.*

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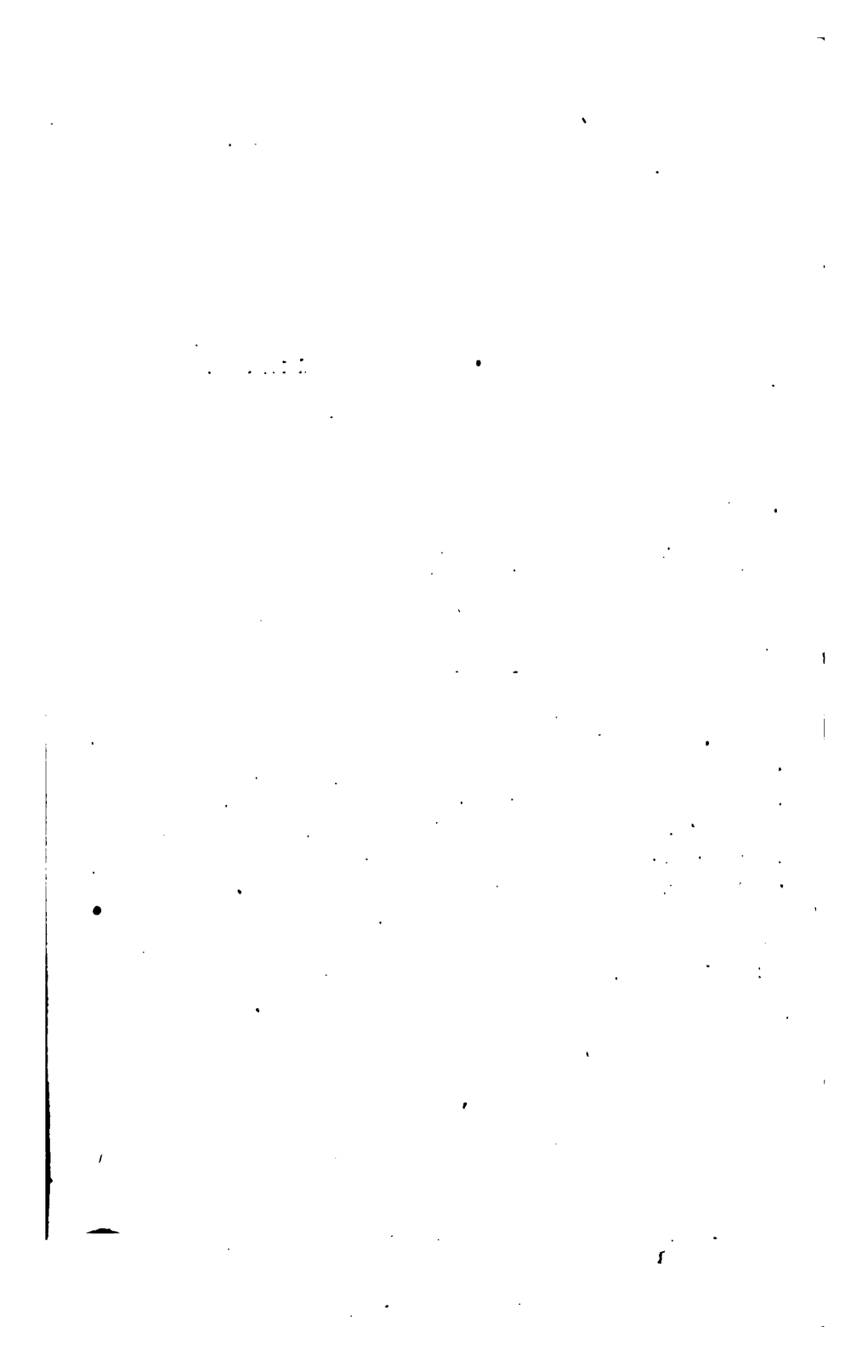
*Lansing, March 17, 1851.*

DEAR SIR—Your favor to-day is hereby acknowledged; and be assured, sir, it is with diffidence I accede to your request. It is only a sincere desire to serve the cause of education that prompts me with any degree of cheerfulness to suffer my imperfect production to come before the public. Hoping it may contribute something toward sound advances in literature and morality, I remain, dear sir,

Your obedient servant,

SEYMOUR A. BAKER.

HON. J. SHEARER.



## LECTURE.

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The distinguished Tillotson once eloquently remarked, "it requires great wisdom and industry to advance a considerable estate; much art and contrivance and pains to raise a great and regular building; but the greatest and noblest work in the world, and an effect of the greatest prudence and care, is to rear and build up a man, and to form and fashion him to piety, and justice, and temperance, and all kinds of honest and worthy actions."

Respected auditors, in asking your patient attention this evening to that great and profound subject, *education*, I offer no claims to wonderful discoveries or profound sagacity; but if I may practically "stir up your pure minds by way of remembrance," I will be content.

In discoursing upon my chosen theme—in presenting the advantages and claims of education, I shall not restrict the term to that limited, technical meaning given to the word in common parlance, but shall give it a more extended application, and if possible give a more correct idea of *education proper*, as requisite to the growth, development, and maturity of the physical, social, intellectual and moral powers, as requisite to the full attainment of the great and noble end of man's being.

As Cicero once remarked of the various departments of literature and science, I would say of the relations of truth and knowledge, of piety and education—"Habent quoddam commune viculum," etc.\* In this common bond of relationship,—or from the mutual influence and combined power of religion and knowledge *alone*, we are to look for permanence and prosperity to our civil, political, and religious institutions.

Especially in a popular government like ours, where *every man*

\*Vide orations of Port Achias.

has the rank of prince, and every citizen that of nobleman; each should combine in himself the *wisdom* and *piety* which constitute the elements of the dignified statesman, the true philosopher, and the real christian; for in proportion as piety and knowledge are suitably blended as the active elements of personal character and public worth, of individual enterprise and public devotion; shall we be warranted to make our estimate of our social, political, and religious prosperity—permanence and success to whatever is lovely and of good report in the different departments of life.

In dwelling upon this topic it will be needful to present the *nature* and *true end* of education, in order to show more clearly its inseparable connection with the strength and stability of our loved and cherished institutions. A man may read and study much, see and hear much, visit and travel much, and yet not be a *wise* man. He may journey far, visit things famed as wonderful and curious, and acquire extensive observation of the world; he may accumulate facts in abundance, greatly diversified in character, and thus become even a knowing man, and still remain an uneducated man.

By education we are to understand something more than merely collecting facts and lumbering up the mind with them. It is rather that growth and maturity of mind itself, by which these facts are investigated in all their relations, and understood in all their varied bearings.

To educate is to develop and enlarge the mind, to liberalize in thoughts, feelings, and purposes. Its influence upon the mind in developing its otherwise latent energies and in imparting efficiency and force to the mind, may fitly be compared to the influence of the magnet in bringing into free and active state the mysterious principle which before lay dormant in the steel. And as with the magnet, the virtue of education consists not in *creating* or *imparting*, but rather in *setting free* and giving power and direction to a native quality already possessed. Or as Kent once eloquently remarked, "to educate is to develop in each individual all the perfection of which he is susceptible."

As sentient beings, our minds naturally tend outward and seek gratification *only* in the objects of sense; but education, philosophical in pursuit, turns the mind from this outward tendency—from this secular influence and bias, to the true grounds of *reality*—to expatiate

upon the properties and functions of thought, volition, and feeling—the nature and developments of mind—the expansive exhibitions of spirit—the permanent and philosophical principles of life and action. Dr. Howe, in a lecture before the American Institute of Instruction says: “education should have for its aim the development and greatest possible perfection of the whole nature of man: his moral, intellectual and physical nature.” And Dr. Dick, of Scotland, says: “the education of human beings, considered in its popular sense, comprehends every thing which is requisite to the cultivation and improvement of the faculties bestowed upon them by their Creator. It ought to embrace every thing that has a tendency to strengthen and invigorate the physical system; to enlighten and expand the understanding, and, in general, to direct the moral powers in such a manner as to render those who are the subjects of instruction, happy in themselves, useful members of society, and qualified for entering upon the scenes and employments of a future and more glorious existence.”

The feverish effervescence and restlessness of mind so generally prevalent—a hasting to be rich—a rush for pleasureable amusements and ephemeral honors—is but the practical result and bearing of an education outward in its tendency, and which at best, is merely a collection of facts and observations of sensual life, the ultimatum of which is materialism. Hence as this kind of education is *more common*, no wonder so many mistake the *true end* of life, and consider temporal earthly possessions the *summum bonum* of all their aspirations and efforts—the inglorious end of being. Especially as the spirit of the age teaches both by precept and example that most heterodox of all errors, that man, created originally lord of the creation, is only to obtain, by hardest labor, to an equality with the brutes,—that what God has provided for the inferior animals, without care, toil or labor of their own, *man* is to secure as the *ultimatum* of all his aspirations and efforts!! That, in denial of the word of God, *man is to live by bread alone!!* That he whom God made upright must live debased and be content with mere sensualities, and die overwhelmed by impenetrable darkness and cruel despair. Hence the father says, “*money is the principal thing—in this do I trust! Therefore get money!*” And he faithfully instructs his worthy prog-

eny the precepts and devotion of his God. They are early taught the catechism and prayer book of this inherited faith, the sum of which is, "seek more, hold fast all you have, get all you can—be sure and get." Thus the spirit of the age, like the sirens of the poets, entices away, by its delusive songs, our lovely youth from those dignified pursuits which develop the rich mines of wealth within, by promising unreal good; by inducing them to regard material things, which at best are but relatively valuable, as of greatest moment; and to waste all their energies in their accumulation—and thus we pay as our annual tribute the hope of our country to this God Moloch. Thus this influence, like the mountain avalanche, spreads devastation and ruin in its course. But where are we to look for deliverance? To whom to look for rescue? Who the Hercules of our redemption from this degrading annual tax; except in that education which recognizes the true principles of humanity—what constitutes true intellectual and moral excellence and greatness—which elevates man himself to an *end*, instead of degrading him to a *means*; that seeks the maturity of mind and purity of heart not because of their sensual relations, but on account of the inexhaustable mines of enduring wealth within. Until there is a recognition of the true principles of mind and the glorious designs of an all-wise Creator as exhibited in the higher principles of man's inner life; and education have strict reference to the exalted destiny of the soul as an heir of glorious immortality; man will continue to be of "the earth, earthy," living to no worthy end like the fool; and dying "without hope" like the brute; living, sweating and toiling barely for a subsistence; and scarcely differing in kind, or but a step removed in the end and object of life, from the beasts that perish; he will toil on without lasting profit and die without enduring hope.

Education, then, if this view be correct, instead of being a system for the collocation of facts and gathering from without whatever furniture can be available to the subordinate ends of life, is, what its etymology signifies, "*educio*," to draw out, the educating or calling forth the principles of the mind and dispositions of the soul, the developing, disciplining, and maturing the physical, intellectual and moral powers to their utmost capacity.

What immense treasurers and toil are annually expended for ed-

ucation, while the result seems to merit too justly the sarcasm: "væ quantum nihili?" Alas! how much of nothing! Some sections of our country are full of young men, and maidens too, upon whom much toil and means have been expended; or to use the language of another, "who have been the most anxiously and expansively be-schoolmastered, be-lectured, be-tutored and be-any-thing but educated; who have received arms and ammunition, without strength, skill or courage; varnished rather than polished—frivolously over-civilized and and most pitiably uncultivated." And all this too from a disregard to the true ends of education, as well as sheer inattention to the method taught by nature, that "as the forms in all organized existences, so must all true and living knowledge proceed from within." A man may be improved physically, intellectually and even morally, and rendered more skillful in the arts and sciences; he may be externally varnished and internally lumbered up, by outward appliances popularly called education; but it is impossible for him thus to become an educated man. With equal propriety we may talk of educating our horse or dog. Education cannot be *infused* or *expressed*; but in truth, philosophically, education has to do with the more dignified principles of humanity; that which distinguishes him as man—the humane, the moral, the immortal. By a developing process, it draws out, strengthens, disciplines, and adorns the whole man. The outward forms and facilities of knowledge are but accidental conditions to this growth; like as the products of the soil are greatly improved and enriched by the dressing and culture of the husbandman. Appropriate culture tends to the development of all the varied powers of man symmetrically, and contributes vastly to the strength, beauty and happiness of mind. The maturity, health, beauty, and strength of the physical system depends not more upon the *quantity* of food taken into the stomach than the *quality*—some kinds being necessary to nourish the blood, others to nourish other parts,—some to stimulate, and others to quiet;—so proper and healthful food for the soul, will come tribute alike to the development and maturity of the physical, intellectual, and moral powers duly, so that they will exert a reciprocal, healthful influence each upon the other. While intellectual culture greatly stimulates the mind to *think, investigate* and *reason*, moral truth is indispensable to direct these inves-

ignitions and to establish the reasoning upon a trustful base, without which the mind can find none upon which it can safely rest. With equal propriety we may talk of turning the course of the mighty Niagara, by the power of the will, as to talk of *moral truth* and *equity* being furnished by mere intellects deducible from natural science.

But where is the uncorrupted fountain of moral truth from which to draw our educational instruction? Is it mere habit? A self imposed law? Or a legislative enactment? Or indeed a logical deduction drawn from given premises? Who will assert it? Nay; true morality has a more enduring base. It is as immutable as truth, as changeless and imperishable as the eternal throne of God. An unstable and baseless morality indeed, is that which does not proceed from the law of laws, written not merely upon parchment, or engraved upon stone; but inscribed upon imperishable tablets, known and read of all men; which furnishes the fundamental principles of all sound, civil or religious adjudication; the only true test of *right*, and unerring base of pure morality—the Divine law. This Divine digest is the only polar-star in the moral horizon; the only safe oracle to be consulted in reference to truth and duty. And the enlightenment hence furnished is the only infallible directory; this is the native element of the soul; congenial to its healthy, vigorous growth. And it is this development and maturity of the *true man*, in the image and likeness of his Creator; which we are bound to regard as the highest and *only proper* end of education.

That system of education that is divested of moral truth, is but partial; sadly defective, and commonly a prolific source of every evil incident to this life. In all the processes of unfolding and disciplining the varied powers of the soul, there seems to be a remarkable correspondence of the agencies employed and the abilities developed; for the natural light is not more perfectly adapted to the power of vision and essential to its exercise, or indispensable to healthy vegetation, than moral light and truth to the healthy development of the intellectual and moral powers. The mind, like the tiny plant, can attain its perfection of comeliness, beauty, strength and maturity *only* in the elements congenial to its nature. Like the morbid mushroom growth of the plant, it may indeed for a season be



bold, vigorous and conceited; in deeds of violence, and daring outrage—as was developed in the life of a Napoleon, a Cataline, a Hume, a Nero, a Tom Paine, a George the 3d, an Arnold, or in modern times, a Dr. Webster of Boston, and others I might name—but such exhibitions of mind are *only* the unnatural effort—the morbid action—the paroxism of the soul—intellectual and moral distortion—and in a majority of cases, the great malady of man;—the universal plague that admits of *no* elixer but that compounded of the cardinal virtues—of *no* remedy but the moral renovation of the heart. This peculiar adaptiveness and capacity of the soul to comprehend and embrace moral truths constitutes in a peculiar sense our humanity. “Conceive our minds divested of the ideas of God, of eternity, of absolute truth, of real freedom, of moral right;” and we have the *animal merely*; but the man has vanished. We have in capacity, *only* what is possessed by animals in common, but the humane, the moral, the immortal has vanished. Other truths have not the power of moral; for no other truths bear so intimate a relation to the mind. These take a stronger hold, and not only actuate and unfold the intellectual and moral powers, but enlarge and extend their quickening energies, imparting healthful vigor, sound, efficient action, and enduring life. Merely human cultivation can never of itself impart the true Promethean fire, by which the soul is enlightened and quickened into life; it is the light of this higher education, which discovers to us our moral destitution, and duties; and gives us to feel sensibly the need of Divine enlightenment and renewal, short of which nothing can fully qualify man for the duties he owes to himself, to friends, to his fellow-citizens, to the world and to God; which alone is competent to subdue the passions, regulate the temper, chasten the taste, purify the soul, dignify and adorn the man.

That man must be a novice indeed who does not consciously know that he possesses a towering capacity within which finds no possible correspondence with the things of sense; and *feel too* that without the regeneration of the heart and due development of the morals he is sadly deficient and morally imperfect. The student may have, by diligent research, explored nature and her laws, and soared where genius dwells, and lived where philosophy luxuriates; and though Minerva may have bestowed upon him her choicest treasures, and

though the Muses may have been his companions, and Sages his counsellors; can he even then say, "It is enough!—I am content!" With all his varied scientific and intellectual attainments which distinguish him from his fellows and introduces to higher and holier pleasures than any of which the mere earth worm can boast; yet does he not, I ask, with all these, consciously know there is within him vast susceptibilities and powers that still remain undeveloped and unsatisfied—that find nothing in all this world of sense, or the corresponding world of thought, well adapted or fully competent to satisfy? Nay the demand of which, these intellectual attainments only make the more visible and imperative. The moral man still piningly seeks for appropriate food, the life of the spirit—the Divine renewal;—full restoration to the likeness of God, without which our organic life is but a kind of somnambulism.

Animate or inanimate in nature, nothing remains stationary, but all grades find their highest good in improvement—in that which is higher and better. "All things," says Colridge, "strive to ascend and ascend in their strivings. And shall man alone stoop? Shall his pursuits and desires, the reflections of his inward life, be like the reflected image of a tree in the edge of a pool, that grows down and seeks a mock heaven in the unstable elements beneath? How unworthy? How ignoble? Ah! nothing short of a higher good can make man happy. While he labors for that which is *merely* sensual, he seeks happiness in the vale of death. How true the couplet,

"Unless above himself, he can  
Erect himself, how mean a thing is man?"

Education, then, defined to be the cultivation and maturity of all the powers of man to their utmost capacity—the unfolding and perfecting of the whole man, should be sought as an end, and not barely as a means; chosen rather on account of its intrinsic excellence and worth, and not merely as the instrument to something else. Such an end is *noble, dignified, and truly great*; because the intellectual and moral powers to be educated are uncircumscribed in their susceptibilities, and illimitable in their durability; great, because the resources of knowledge are inexhaustible; great, because it elevates man to a lofty eminence, introduces him to holier pleasures, invests him with royal equipage, and fits him for glorious being. And is

there any subject so profound, so exalted, so overwhelming as the perfectability of man? Other subjects may be deserving, for which men strive and toil; but their acquisition is uncertain, their possession precarious, and their promised good seldom realized. But every effort man makes toward sound education, will be a progressive step, every acquisition an abiding treasure; every intellectual or moral triumph a monumental victory; every principle mastered will yield an interminable revenue of unfading glory.

“There is a cause of every one the pride,  
Beloved of Heaven o'er all on earth beside;  
There is a cause of all supremely blest,  
A dearer, sweeter cause than all the rest.  
O! thou shalt find, where'er thy mind shall roam,  
That cause true learning—that learning thy own.”

Indeed, education is defective, and the true end of man's being thwarted, unless our educational processes and systems are made subservient to the perfectability of man. And it seems to me certain, even with this desideratum, with all we may here gain, that we shall have acquired but the rudiments of knowledge—will have taken only the intuitive step to that which is to succeed in another and better mode of being, where we can take lessons of the great Teacher who teaches as man never taught, and where the Divine Architect will unfold to the mind his knowledge, power and holiness—a knowledge of his works and laws—the inexhaustible treasures of wisdom and knowledge, during an interminable existence.

The powers of mind and soul exist at first *only* potentially; like the plant in the germ, though the living germ is in the seed, the plant in embryo, still the earth, the rain, and the solar heat, facilitate its outward manifestation, as the plant or tree; in like manner there are means specifically adapted in their nature to the maturity of the whole man. “He that giveth rain from Heaven, and fruitful seasons, has also provided for the due developement of the intellectual and moral powers of man.” The same bountiful hand “that satisfieth the longing soul with food,” filleth the hungry soul also with gladness; so that the mind as well as body, is provided with food convenient and suitable to its wants. And as the soul is more noble in its nature, more dignified in its ends, and more exalted in its characteristics than the body, so it is furnished with a purer and more enduring

aliment, adapted to its wants and congenial to its maturity. Surrounded by a world of mind, it feeds on thought, drinks at the pure fountain of intellectual and moral principles, breathes the atmosphere of spirits, luxuriates on Angel's food, amid the commingling influences of holiness and love, while smiles and tears, joys and sorrows, and all the vast world of eye, and ear, and voice, contribute to its maturity and become powerful auxiliaries; yea, the native elements in which it flourishes and ripens to its native perfection. Thus, heart acts upon heart, mind upon mind, and soul upon soul; and all the relations of life, the ties of personal friendship, the endearments of kindred and home, are made to serve the great end of personal improvement, in developing the kindlier sympathies and purer affections of the heart, and thus subserve the great end of human existence—to beautify, purify, mature and perfect the human soul.

Domestic enjoyment and social happiness, *no less* than civil prosperity and political strength and stability, depend upon a sound education. Those strong cords of amity and love that bind man to his fellow, to his duty, and to God, owe their healthy, vigorous action to this common source. In like manner, the sterner virtues are called forth and strengthened, which harmonize the varied and conflicting interests of life and illumine the pathway of the sojourner to the elysian abodes of the enraptured host who constitute the heavenly society.

I speak this evening, not of scholastic education *only*, but of that continual growth and maturity of mind, which is to commence here in this life, and continue so long as thought or immortality endures. Hence, I do not deem it my province on this occasion to discuss this or that particular theory; for I consider the great fault of all present systems of educations to be a vague and erroneous notion of the glorious purposes of instruction. In the complex mechanism of the mind, firm, inflexible, sterling *moral principles* are the main spring of right action; the only safe directory to scientific principles and practice; the inexhaustible source of enduring wealth, without which, human intellections, purposes and practice, are likely to be as erratic as the uncurbed comet, and as fearfully ominous as the earthquake's mighty tread. A resolute and inquiring mind, aroused to the magnitude and importance of this subject—a correct education—will scan the different plans and systems of instruction, and select

whatever is available and appropriate. Nor will opposing obstacles defeat the cherished object. Such will go onward in spite of all adverse influences, and will even make formidable obstacles stepping-stones, by which to ascend. And in this, indeed, lies the secret of some men's success. Take them away, and Sampson is shorn of his strength. A worthy end, an approving conscience, and energy and application will guarantee success. Unconquerable necessity, unlovely and uncompromising as she may seem, may often serve the best purposes, and give brilliancy to piety, wings to genius, vigor to the sleeping energies of thousands, and add strength and manly fortitude to the timid. Our pilgrim fathers furnish a brilliant illustration of this principle. Stern necessity was their school-master; and under such tutorage were developed vigorous minds, noble energies, and lofty virtues. Born in an inhospitable wilderness, cradled in the storm, literally nourished, like the heroes of olden times, on the marrow of bears and milk of wolves, the hoarse notes of Boreas their lullaby; the grim howl of wild beasts, and the more portentous yell of savages, their nightly songs; the rearing cataract and pealing thunder their instruments of music; beset and thronged with perils, with spirits free as air, like Sampson, they went forth in superhuman might, from conquering unto conquer, and before their undaunted spirit all enemies were as the uncircumcised Philistines before the Jews.

And it appears to me, that if we prove ourselves worthy such parage, we must change our systems of education. We must lay broad the foundation, and begin in the nursery to build thereon. And to execute this work efficiently we must educate with greatest care the prospective mothers of our country; for no one will deny that mothers are the first teachers. They impart the *first* lessons, make the *first* impressions, give the mind its *first* directions. They accomplish more in determining the habits, principles, and pursuits of the whole subsequent career of their sons and daughters, than all other influences combined. For, though they do not instruct in the arts, sciences and literature, and dictate the pursuits and employments of life, they do what is *vastly more*; they impress their own sympathies, prejudices and views—their notions of the occupations and duties of life, with a strength and permanence which all subsequent education and experience can scarcely control. The adage is no more

trite than true, "as the twig is bent the tree is inclined." This early direction is given by mothers. Their lessons are like the silent dews of Heaven, settling down upon the juvenile mind, silently and sweetly, and unite themselves to its very being and nature, so interwoven as to exert generally a predominating influence over the whole subsequent life.

Mrs. Lydia Jane Pierson, of Lancaster, Pennsylvania, addressed a letter in June last, to a convention of ladies held in Salem, Ohio, to deliberate on the rights of woman, containing some very pertinent remarks upon this point which I will here quote. She says, "in my view, knowledge is power. Education of itself will make us free; ignorance is not fit to be trusted with freedom. \* \* \*

Woman's intellectual progress has been opposed by man, and as a consequence the whole race of man is inferior; as woman was incompetent to form the young mind by making indelible impressions upon the intellect and heart, of those great principles which form the base of all excellence. When we consider the miserable tinsel that is palmed off as education for Misses—a little etiquette, the hypercritical conventionalities of fashion, a little music, a few French phrases—all by rote—they are turned out to use their accomplishments for the purpose for which they have been taught to value them, viz: to win a husband and secure a settlement. They are married at 17, soon become mothers, and are consigned to oblivion, or kept alive by a round of vanity and dissipation." This picture, however humiliating, is a true representation. The evils are justly attributable to false systems of education. Boys are miserably neglected in domestic and girls in scholastic training, and all, all, in moral discipline. Hence, Mrs. P. says, "if boys received the same lessons of gentleness, submission, self-denial, endurance, truth and purity, which are deemed indispensable to girls; and girls were permitted to attend schools and colleges as boys do, until they are twenty-four or five years of age, we should need no conventions for revolution and reform; and I very much fear that until education shall have done her work, no reformatory efforts will greatly benefit society."

The importance and advantages of correct systems of education, efficiently enforced, cannot be too highly appreciated, or too ardently cherished. Such knowledge must ever be regarded as the only safe

bulwark of our republican institutions, and the prolific source of happiness to the people. This irradiates and dispels the midnight darkness of the mind, and disentralls it from the vague and fearful illusions of a disordered and corrupt imagination.

It is this which furnishes the key to all that is truly valuable in life. By its aid we are enabled to comprehend in a measure the otherwise mysterious ends of Creation—to understand things in their true relations—and to trace in the infinite modifications of creation around us, the goodness and benevolence of our Creator in harmoniously adapting all existence to subserve the temporal and eternal interests of man. In its light, *virtue* springs celestial in the human mind; and hope brightens the dark and cheerless pathway of life. It discovers the sacredness of *social, political and moral* obligations; the reciprocal duties that spring from their varied relations, and invigorate human efforts to diffuse the conservative principles of wisdom and piety among all classes.

Yes, it is this kind of education that lights up the pathway to desirable distinction, or glorious renown—and by its compass and chart our course across the ocean of time must be guided; or we, like others, shall founder our bark upon the rocks of error, and be tossed and engulfed by the tempestuous waves of ignorance and vice, and be consigned to the restless surges of irrevocable despair.

As there is no human influence so potent as a sound christian education, to dissipate the errors and correct the vices of society and promote the emancipation and happiness of our race, it becomes us as philanthropists, statesmen or christians to give our attention with great care and interest to this enterprise, and give it our cordial and untiring support.

And it appears to me that, with a view to the perpetuity of all that is valuable and good among us, it is our imperative duty to ourselves and posterity to take hold of this enterprise—a *philosophical education*—and with an energy that knows no resistance and a zeal that knows no abatement, to push forward this mighty car—to seize the blazing torch, lighted with Promethean fire, and disseminate its luminous rays in every direction, until *purity, happiness* and contentment fill our hearts and homes—civil and religious *liberty* shower their life giving and God-like principles on all the sons of Adam—and *union* and

harmony characterize all our movements, and permanence and stability be engraven on all our institutions. It appears to me that this is the fountain head where all our efforts at public improvement and reform must begin, or all other efforts will be comparatively useless—that we must lay the foundation here, dissipate the subtleties of a bad education and sow more sedulously the seeds of truth and knowledge in the nursery, by the fire side, in our schools, common and select, academies and colleges, from the pulpit and the press, by essay and by song, by daylight and by candlelight, until its life invigorating power shall complete the work of human redemption. The fields are white unto this harvest. The work of an age seem crowded upon this generation. Nine-tenths of parents are sleeping over this profound subject—our legislative halls are far too silent upon this vast enterprise—notes of alarm from the pulpit and press too seldom heard—while troops of young men gain the majority of their education at grogeries or other places of dissipation, and these graduate for our county houses, jails or penitentiaries; and swarms of young ladies spend their time as uselessly, or to no better purpose.

And, my dear hearers, may it be your and my ambition to contribute all the influence we can, to usher in the dawn of that effulgent morn when the vast multitudes shall attune their hearts and voices in melodious songs of triumph, and ten thousand times ten thousand, and thousands of thousands shall join in the chorus of the Poet, and sing

“Rejoice, for earth has resumed her splendor,  
 The flowers of Eden are blooming anew;  
 The tyrant *ignorance* his throne has surrendered,  
 And plenty and peace now their visits renew.  
 Awake then from sorrow—arise from despair,  
 The night has been *long*, but the morning is *fair*.”



